

same; fixing the fees to be paid for such licenses and the fees to be retained by the officer issuing same; providing suitable penalties for violation of this Act; providing for remittance of license fees and fines to the Game, Fish, and Oyster Commission for deposit in the State Treasury to the credit of the Special Game Fund; providing for the transfer of balances on hand in certain funds to the Special Game Fund; and providing for the use and appropriation of the Special Game Fund to the Game, Fish, and Oyster Commission for the purposes provided by law; repealing all conflicting laws; providing that if any of the sections, clauses, or any provisions of this Act, or of any other Act referred to by this Act shall be held unconstitutional, or otherwise invalid, or unenforceable, such holding shall not affect this Act or the parts of this Act not so held to be unconstitutional or invalid; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 25, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 361, "An Act to amend Section 13, of Chapter 280, of the General Laws of the Forty-first Legislature of Texas, Regular Session, relating to water control and improvement districts. This Act will in nowise change the provisions of said Section 13, but does propose to insert therein, immediately after Subdivision 2 thereof, a paragraph, to be Subdivision 3, of said Section, and to provide that: In case such a district has not completed its works in accordance with its plan for improvements; has not money from other sources adequate to complete its works as planned, but has acquired property or lands found not to be reasonably required to carry out the plans, the proceeds of the sale of such property or land may be applied to the completion of the works contemplated by the district's plans for improvements. Also declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 459, "An Act to amend Acts 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, Section 13, relating to the issuance of license number plates; providing that said plates shall be manufactured and produced in the State Penitentiary at Huntsville, Texas; providing the State Penitentiary shall also manufacture steel or metal road signs; providing, at the discretion of the Highway Department, the State Penitentiary may make road signs of wooden material, and authorizing the State Board of Control on proper requisition from the State Highway Department to order the designated quantity of license plates and road signs from the State Penitentiary and to determine the price of same,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

SIXTY-NINTH DAY

(Continued)

(Friday, May 26, 1933)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 911

Mrs. Hughes offered the following resolution:

H. C. R. No. 103, Authorizing certain correction in House Bill No. 911.

Whereas, House Bill No. 911 has passed the House and Senate; and

Whereas, The penalty provision was omitted from the caption of said bill; therefore, be it

Resolved by the House, the Senate concurring, That the Enrolling Clerk of the House be directed to amend the caption of said bill so as to conform to the body of the bill.

The resolution was read second time, and was adopted.

AUTHORIZING CERTAIN CORRECTION IN SENATE BILL NO. 203

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 78, Authorizing certain correction in Senate Bill No. 203.

Whereas, Senate Bill No. 203, which has been signed by the Governor, and now in the office of the Secretary of State, was passed in the Senate on March 28, 1933, by a vote of 24 yeas, and 7 nays; and

Whereas, An error was made in enrolling said bill, and the certificate thereon, which caused said bill to show it was passed by a vote of 20 yeas, and 8 nays; and

Whereas, Said bill is entitled to go into immediate effect, there being a real emergency for the passage of said bill; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Enrolling Clerk of the Senate be authorized and directed to correct the error in said enrolled bill, so as to make same speak the truth by showing that said bill was passed with an affirmative vote of 24 yeas, and 7 nays.

The resolution was read second time, and was adopted.

RECOMMENDING THE APPOINTMENT OF DR. JOHN ASHTON FOR CERTAIN POSITION

Mr. Leonard offered the following resolution:

H. C. R. No. 101, Recommending the appointment of Dr. John Ashton for certain position.

Whereas, There is now pending, in the National Congress, House Joint Resolution No. 149, which resolution, if passed, would entail the appointment of an American permanent delegate to the International Institute of Agriculture, at Rome, Italy; and,

Whereas, There is in Texas, a man eminently qualified to hold this position, namely, Dr. John Ashton, of Mercedes, Texas; and,

Whereas, Dr. Ashton is a graduate with honors of the Texas Agricultural and Mechanical College, a graduate of the University of Missouri in 1924 with a Master's de-

gree, and in 1926 with a degree of Doctor of Philosophy in the science of agriculture; and,

Whereas, Dr. John Ashton has probably had more actual experience and background in the field of agricultural economics than any other American, and having spent many years in Europe studying agriculture there for the benefit of American agriculture, and having written many books and tracts which are considered authoritative on agriculture in America and Europe; and,

Whereas, For his studies and investigations in many phases of European agriculture, Dr. John Ashton has been decorated Officer of the Merite Agricole by the French Republic and Officer of the Crown by the Belgian Government; and,

Whereas, Dr. John Ashton, at the end of his service as a volunteer with the Allies during four years of the World War, was detached from his unit to serve as military interpreter because of his ability to write and fluently speak French, Italian, Spanish, and German; and,

Whereas, Further accomplishments of this distinguished Texan are listed in "Who's Who in America"; and,

Whereas, Dr. John Ashton is a life-long Democrat, who, because of his wide knowledge and deep research into all phases of American and world-wide agriculture, is eminently fitted to give able representation to American agriculture in the International Institute of Agriculture; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That this be our endorsement of Dr. John Ashton, of Mercedes, Texas, for the post of permanent American Delegate to the International Institute of Agriculture, at Rome, Italy; and be it further

Resolved, That copies of this resolution be sent to Hon. Franklin D. Roosevelt, President of the United States; Hon. John Nance Garner, Vice-President of the United States; Hon. Morris Sheppard, Senator from Texas; Hon. Tom Connally, Senator from Texas; Hon. Cordell Hull, Secretary of State; Hon. Henry A. Wallace, Secretary of Agriculture; Dr. A. W. Gilbert, Chairman of the American International Institute of Agriculture,

State Capitol, Boston, Mass.; and Dr. John Ashton, Mercedes, Texas.

The resolution was read and was unanimously adopted.

SENATE BILL NO. 259 ON SECOND READING

On motion of Mr. Patterson, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 259, A bill to be entitled "An Act authorizing the governing boards of the Agricultural and Mechanical College of Texas, including the State Agricultural Experiment Station System, and the Extension Service and Rodent Control Service and the Texas Forest Service, North Texas Agricultural College; John Tarleton College; Prairie View State Normal and Industrial College; University of Texas, including all branches of the University and the College of Mines and Metallurgy, at El Paso; College of Industrial Arts; Texas College of Arts and Industries; Texas Technological College; East Texas State Teachers College, at Commerce; North Texas State Teachers College, at Denton; Sam Houston State Teachers College, at Huntsville; Stephen F. Austin State Teachers College, at Nacogdoches; Southwest Texas State Teachers College, at San Marcos; Sul Ross State Teachers College, at Alpine, and the West Texas State Teachers College, at Canyon, to retain control of fees and other local institutional income collected at said schools; defining such fees and local institutional income; providing for depository banks, where said funds shall be deposited; providing for security for such deposits and the manner of making such deposits; providing for interest on said deposits; providing for terms of surety bonds furnished to secure such deposits and fixing the venue of suits to recover thereon; providing for separate accounts, showing the sources of local fees collected and the purposes for which expended; providing for the handling of trust funds by said schools; providing for the printing of biennial reports showing all receipts and expenditures and for furnishing of said reports to certain State officers and members of certain committees of the Legislature; providing that the provisions of this Act shall not apply to income from the

University Permanent Fund; providing penalties for violation of this Act; providing that if any part of this Act be held unconstitutional, said holding shall not affect the validity of the remainder of the Act, and providing that all laws or parts of laws in conflict herewith, or contrary to this Act, be, and they are hereby, repealed; and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Kayton offered the following amendment to the bill:

Amend Senate Bill No. 259 by inserting a new paragraph to be known as Section 8-a, to read as follows:

"No part of any of these funds shall ever be used to increase any salary beyond the sum fixed by the Legislature in the appropriation bill."

The amendment was adopted.

Mr. Kayton offered the following amendment to the bill:

Amend Senate Bill No. 259 by inserting at the end of Section 7, the following:

"This Act shall be in force and effect until August 31, 1935, only, and shall expire on that date."

Mr. Patterson moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Mr. Wells moved to reconsider the vote by which the amendment by Mr. Kayton, placing a limit on the time which the bill shall be in force, was adopted.

Mr. Kayton moved to table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 259 was then passed to third reading.

SENATE BILL NO. 259 ON THIRD READING

Mr. Patterson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 259 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97

Aikin.	Kyle of Palo Pinto.
Alsup.	Latham.
Anderson	Leonard.
of Bexar.	Long.
Barrett.	Lotief.
Bedford.	Mackay.
Bourne.	Magee.
Bradley.	McCullough.
Burns.	McGregor.
Camp.	Metcalf.
Canon.	Mitcham.
Cathey.	Moffett.
Celaya.	Moore.
Clayton.	Morse.
Colson.	Munson.
Cowley.	Nicholson.
Daniel.	Parkhouse.
Davidson.	Patterson.
Dean.	Pavlica.
Dunlap.	Pope.
Dunagan.	Puryear.
Few.	Ramsey.
Ford.	Ratliff.
Fuchs.	Ray.
Glass.	Reed of Dallas.
Good.	Roberts.
Graves.	Rogers of Hunt.
Greathouse.	Rogers
Haag.	of Ochiltree.
Hankamer.	Rollins.
Head.	Ross.
Hester.	Russell.
Hicks.	Savage.
Hill of Brazoria.	Scarborough.
Hodges.	Shannon.
Holekamp.	Shults.
Holland.	Stanfield.
Holloway.	Steward.
Hoskins.	Stinson.
Hughes.	Stovall.
Hunt.	Tarwater.
Hyder.	Tennyson.
Jackson.	Thomas.
Jefferson.	Tillery.
Johnson	Townsend.
of Anderson.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Wagstaff.
Kayton.	Walker.
Kyle of Hays.	Wells.

Nays—13

Adamson.	Merritt.
Fain.	Reed of Bowie.
Goodman.	Scott.
Harris.	Vaughan.
Huddleston.	Winningham.
Laird.	Wood.
Lindsey.	

Absent

Alexander.	Butler.
Baker.	Calvert.
Barron.	Caven.
Beck.	Chastain.

Coombes.	Jones of Shelby.
Crossley.	McClain.
Devall.	McKee.
Duvall.	Morrison.
Dwyer.	Palmer.
Engelhard.	Renfro.
Golson.	Riddle.
Griffith.	Smith.
Harman.	Sullivant.
Harrison.	Weinert.
Hartzog.	Young.
James.	

Absent—Excused

Anderson	Lemens.
of Johnson.	Mathis.
Fisher.	McDougald.
Hill of Webb.	Reader.
Johnson of Dimmit.	

The Speaker then laid Senate Bill No. 259 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104

Aikin.	Hill of Brazoria.
Alsup.	Hodges.
Anderson	Holekamp.
of Bexar.	Holland.
Baker.	Hoskins.
Barrett.	Hughes.
Bedford.	Hunt.
Bourne.	Hyder.
Bradley.	Jackson.
Burns.	Jefferson.
Butler.	Johnson
Camp.	of Anderson.
Canon.	Jones of Atascosa.
Cathey.	Jones of Runnels.
Celaya.	Jones of Shelby.
Cayton.	Kayton.
Colson.	Kyle of Hays.
Cowley.	Kyle of Palo Pinto.
Daniel.	Latham.
Davidson.	Leonard.
Dean.	Long.
Dunlap.	Lotief.
Dunagan.	Mackay.
Dwyer.	Magee.
Few.	McClain.
Ford.	McCullough.
Fuchs.	Metcalf.
Glass.	Mitcham.
Golson.	Moffett.
Good.	Moore.
Goodman.	Morse.
Graves.	Munson.
Greathouse.	Nicholson.
Haag.	Palmer.
Hankamer.	Parkhouse.
Harrison.	Patterson.
Hartzog.	Pavlica.
Head.	Pope.
Hester.	Puryear.

Ramsey.	Stanfield.
Ratliff.	Steward.
Ray.	Stinson.
Reed of Dallas.	Tarwater.
Renfro.	Tennyson.
Rogers of Hunt.	Thomas.
Rogers	Tillery.
of Ochiltree.	Townsend.
Rollins.	Turlington.
Ross.	Van Zandt.
Russell.	Wagstaff.
Savage.	Walker.
Scarborough.	Wells.
Shannon.	Young.
Shults.	

Nays—15

Adamson.	Reed of Bowie.
Fain.	Roberts.
Harris.	Scott.
Hicks.	Stovall.
Huddleston.	Vaughan.
Laird.	Winningham.
Lindsey.	Wood.
Merritt.	

Absent

Alexander.	Griffith.
Barron.	Harman.
Beck.	Holloway.
Calvert.	James.
Caven.	McGregor.
Chastain.	McKee.
Coombes.	Morrison.
Crossley.	Riddle.
Devall.	Smith.
Duvall.	Sullivant.
Engelhard.	Weinert.

Absent—Excused

Anderson	Lemens.
of Johnson.	Mathis.
Fisher.	McDougald.
Hill of Webb.	Reader.
Johnson of Dimmit.	

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 26, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted conference committee report on House Bill No. 218, by the following vote: Yeas, 16; nays, 5.

Respectfully,
BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 566 ON SECOND READING

On motion of Mr. Savage, by unanimous consent, the regular order of

business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 566, A bill to be entitled "An Act to amend Sections 1, 2, and 6, Chapter 148, of the General Laws, passed by the Forty-second Legislature at its Regular Session in 1931, relating to the authority of counties and incorporated cities and the Texas State Parks Board, separately, or in co-operation with each other, to acquire by gift or purchase land for public parks; providing that lands to be acquired by any such city to be used for public parks and playgrounds, may be situated within or without its corporate limits, in the discretion of the governing body thereof, but within the county in which such city is situated; authorizing the issuance of bonds by any such city for park purposes; adding to said Chapter 148, a new Section, to be called Section 2-a, legalizing, approving, and validating bonds voted by any city or town for the purpose of purchasing and improving lands for a public park in and for said city or town, and the levy of the tax in payment of such bonds under authority of Chapter 148, of the General Laws, passed at the Regular Session of the Forty-second Legislature; and which bonds have been approved by the Attorney General and registered by the Comptroller, etc."

The Speaker laid the bill before the House; it was read second time, and was passed to third reading.

SENATE BILL NO. 566 ON THIRD READING

Mr. Savage moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 566 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adamson.	Butler.
Aikin.	Canon.
Alsup.	Cathey.
Anderson	Celaya.
of Bexar.	Clayton.
Baker.	Colson.
Barrett.	Cowley.
Barron.	Daniel.
Bedford.	Davidson.
Bourne.	Dean.
Burns.	Dunlap.

Dunagan.	McGregor.
Fain.	Metcalfe.
Few.	Mitcham.
Ford.	Moffett.
Fuchs.	Moore.
Glass.	Munson.
Golson.	Nicholson.
Good.	Parkhouse.
Graves.	Pavlica.
Greathouse.	Puryear.
Griffith.	Ramsey.
Haag.	Ratliff.
Hankamer.	Ray.
Harrison.	Reed of Bowie.
Hartzog.	Reed of Dallas.
Head.	Renfro.
Hester.	Riddle.
Hicks.	Roberts.
Hill of Brazoria.	Rogers of Hunt.
Hodges.	Rogers
Holekamp.	of Ochiltree.
Holland.	Rollins.
Holloway.	Ross.
Hoskins.	Savage.
Huddleston.	Scarborough.
Hughes.	Scott.
Hunt.	Shannon.
Hyder.	Shults.
Jackson.	Stanfield.
James.	Steward.
Johnson	Stinson.
of Anderson.	Tarwater.
Jones of Atascosa.	Tennyson.
Jones of Runnels.	Thomas.
Jones of Shelby.	Tillery.
Kayton.	Turlington.
Kyle of Palo Pinto.	Van Zandt.
Laird.	Vaughan.
Latham.	Wagstaff.
Lindsey.	Walker.
Long.	Weinert.
Lotief.	Wells.
Mackay.	Winningham.
Magee.	Wood.
McCullough.	

Nays—1

Kyle of Hays.

Absent

Alexander.	Jefferson.
Beck.	Leonard.
Bradley.	McClain.
Calvert.	McKee.
Camp.	Merritt.
Caven.	Morrison.
Chastain.	Morse.
Coombes.	Palmer.
Crossley.	Patterson.
Devall.	Pope.
Duvall.	Russell.
Dwyer.	Smith.
Engelhard.	Stovall.
Goodman.	Sullivant.
Harman.	Townsend.
Harris.	Young.

Absent—Excused

Anderson	Lemens.
of Johnson.	Mathis.
Fisher.	McDougald.
Hill of Webb.	Reader.
Johnson of Dimmit.	

The Speaker then laid Senate Bill No. 566 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—112

Adamson.	Johnson
Aikin.	of Anderson.
Alsup.	Jones of Atascosa.
Anderson	Jones of Runnels.
of Bexar.	Jones of Shelby.
Anderson	Kayton.
of Johnson.	Kyle of Hays.
Baker.	Kyle of Palo Pinto.
Barrett.	Laird.
Barron.	Latham.
Bedford.	Lindsey.
Bourne.	Long.
Burns.	Lotief.
Butler.	Mackay.
Canon.	Magee.
Cathey.	McClain.
Celaya.	McCullough.
Clayton.	McGregor.
Daniel.	Merritt.
Davidson.	Metcalfe.
Dean.	Mitcham.
Dunlap.	Moffett.
Dunagan.	Moore.
Fain.	Morse.
Few.	Munson.
Ford.	Nicholson.
Fuchs.	Parkhouse.
Glass.	Pavlica.
Golson.	Puryear.
Good.	Ramsey.
Goodman.	Ratliff.
Graves.	Ray.
Greathouse.	Reed of Bowie.
Griffith.	Reed of Dallas.
Haag.	Renfro.
Hankamer.	Riddle.
Hartzog.	Roberts.
Head.	Rogers of Hunt.
Hicks.	Rogers
Hill of Brazoria.	of Ochiltree.
Hodges.	Rollins.
Holekamp.	Ross.
Holland.	Russell.
Hoskins.	Savage.
Huddleston.	Scarborough.
Hughes.	Scott.
Hunt.	Shannon.
Hyder.	Shults.
Jackson.	Stanfield.
James.	Steward.

Stinson.	Wagstaff.
Tarwater.	Walker.
Tennyson.	Weinert.
Thomas.	Wells.
Tillery.	Winningham.
Turlington.	Wood.
Van Zandt.	Young.
Vaughan.	

Absent

Alexander.	Harris.
Beck.	Harrison.
Bradley.	Hester.
Calvert.	Holloway.
Camp.	Jefferson.
Caven.	Leonard.
Chastain.	McKee.
Coombes.	Morrison.
Cowley.	Palmer.
Crossley.	Patterson.
Devall.	Pope.
Duvall.	Smith.
Dwyer.	Stovall.
Engelhard.	Sullivan.
Harman.	Townsend.

Absent—Excused

Fisher.	Lemens.
Hill of Webb.	Mathis.
Johnson	McDougald.
of Dimmit.	Reader.

SENATE BILL NO. 338 ON SECOND
READING

On motion of Mr. Good, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 338, A bill to be entitled "An Act amending Article 6205, Revised Civil Statutes of 1925, as amended by Chapter 153, General and Special Laws of the Forty-first Legislature, and as further amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature, and amending Article 6221, Revised Civil Statutes of 1925, as amended by Chapter 5, General Laws of the Second Called Session of the Forty-first Legislature, and as further amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Good offered the following amendment to the bill:

Amend Senate Bill No. 338, page 5, line 2, by striking out the word

"of" and inserting in lieu thereof the word "or" between the words "State" and "the."

GOOD,
COOMBES.

The amendment was adopted.

Mr. Good offered the following amendment to the bill:

Amend Senate Bill No. 338, page 2, line 13, by inserting the words "at least ten (10) years prior to January 1, 1931, or" between the words "for" and "one."

GOOD,
COOMBES.

The amendment was adopted.

Mr. Good offered the following amendment to the bill:

Amend Senate Bill No. 338 by striking out all of Section 4.

GOOD,
COOMBES.

The amendment was adopted.

Mr. Good offered the following amendment to the bill:

Amend Senate Bill No. 338 by inserting a new Section after Section 5, to be known as Section 5-a:

"Section 5-a. That Article 6221, Revised Civil Statutes of the State of Texas, 1925, as amended by Chapter 262, Acts of the Regular Session of the Forty-second Legislature, 1931, be, and the same is hereby, amended so as to hereafter read as follows:

"Article 6221. Appropriation—How Allotted. On the first day of each calendar month, the Comptroller shall pay to each married veteran, who is living with his wife, a pension of fifty dollars (\$50) per month for as long as they both may live, and after the death of either party, then the said veteran or his widow still living shall only draw an amount equal to either veteran's or their widow's. To each veteran now unmarried or a widower or widow, who is drawing a pension, or whose application may be hereafter approved, shall be paid the sum of twenty-five dollars (\$25) per month for each year; provided, however, that a widow under the age of seventy-five (75) years shall receive only twelve and 50/100 dollars (\$12.50) per month from this Fund; and provided further, that the age given in

the original application shall govern. All pensions shall begin on the first day of the calendar month following the approval of the application.' "

GOOD,
COOMBES.

The amendment was adopted.

Mr. Good offered the following amendment to the bill:

Amend Senate Bill No. 338 by inserting a new section after Section 5-a to be known as Section 5-b.

"Section 5-b That Article 6220, Revised Civil Statutes of the State of Texas, 1925, be, and the same is hereby, amended so as to hereafter read as follows:

" 'Article 6220. Persons Not Entitled To. No person shall, while confined in any asylum of this State, at the expense of the State, or while confined in the State Penitentiary, receive a pension, and any person having been granted a pension, who shall afterwards be confined in an asylum of this State, at the expense of the State, or who shall be confined in the State Penitentiary shall, while an inmate of such asylum or penitentiary, forfeit his pension, and no pensioner who leaves this State for a period of over six months shall draw a pension while so absent; provided, that any person who has been granted a pension under this law, and who thereafter is admitted as an inmate of the Confederate Home, or is thereafter admitted as an inmate of the Confederate Womans' (Woman's) Home of this State, shall thereafter be entitled to receive pension payments of the amount of \$5 per month.' "

GOOD,
COOMBES.

The amendment was adopted.

Mr. Good offered the following amendment to the bill:

Amend Senate Bill No. 338 by re-numbering the sections in their numerical order.

The amendment was adopted.

Mr. Van Zandt offered the following amendment to the bill:

Amend Senate Bill No. 338, page 2, by striking out in the last line of page of the original bill the date, "1865," and insert in lieu thereof, the date "1873."

Mr. Dunagan moved the previous question on the pending amendments and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Van Zandt, it was adopted.

Mr. Pope offered the following amendment to the bill:

Amend Senate Bill No. 338 by adding the word "indigent," before the word "soldiers," in line 23, page 1, and by adding after the word "soldier," in line 23, page 1, the following: "coming under the conscript acts of the Confederate States of America, dated April 16, 1862, and February 17, 1864, which soldiers were."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate Bill No. 338 was then passed to third reading.

SENATE BILL NO. 338 ON THIRD READING

Mr. Good moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 338 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—87

Adamson.	Golson.
Aikin.	Good.
Alexander.	Graves.
Anderson	Greathouse.
of Johnson.	Haag.
Baker.	Harrison.
Barron.	Hartzog.
Beck.	Hill of Brazoria.
Bedford.	Holekamp.
Bourne.	Holloway.
Canon.	Hoskins.
Cathey.	Huddleston.
Caven.	Hunt.
Chastain.	Hyder.
Colson.	James.
Coombes.	Jefferson.
Cowley.	Johnson
Crossley.	of Anderson.
Davidson.	Jones of Atascosa.
Dunlap.	Jones of Runnels.
Dunagan.	Kayton.
Dwyer.	Kyle of Palo Pinto.
Few.	Long.
Ford.	Lotief.
Fuchs.	Mackay.
Glass.	Magee.

McGregor.	Scott.
Mitcham.	Shannon.
Moffett.	Shults.
Munson.	Smith.
Parkhouse.	Stanfield.
Pavlica.	Steward.
Pope.	Stinson.
Puryear.	Tarwater.
Ramsey.	Tennyson.
Ratliff.	Thomas.
Ray.	Van Zandt.
Reed of Bowie.	Vaughan.
Reed of Dallas.	Wagstaff.
Renfro.	Walker.
Roberts.	Wells.
Rogers of Hunt.	Winningham.
Ross.	Wood.
Russell.	Young.
Scarborough.	

Nays—20

Barrett.	Hughes.
Bradley.	Jackson.
Burns.	Jones of Shelby.
Celaya.	Kyle of Hays.
Daniel.	Laird.
Fain.	Metcalf.
Hankamer.	Morrison.
Harris.	Morse.
Hicks.	Patterson.
Hodges.	Turlington.

Absent

Alsup.	Lindsey.
Anderson	McClain.
of Bexar.	McCullough.
Butler.	McKee.
Calvert.	Merritt.
Camp.	Moore.
Clayton.	Nicholson.
Dean.	Palmer.
Devall.	Riddle.
Duvall.	Rogers
Engelhard.	of Ochiltree.
Goodman.	Rollins.
Griffith.	Savage.
Harman.	Stovall.
Head.	Sullivant.
Hester.	Tillery.
Holland.	Townsend.
Latham.	Weinert.
Leonard.	

Absent—Excused

Fisher.	Lemens.
Hill of Webb.	Mathis.
Johnson	McDougald.
of Dimmit.	Reader.

The Speaker then laid Senate Bill No. 338 before the House on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 26, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 47, A bill to be entitled "An Act to prohibit the wilful taking, injury, or destruction of trees, shrubs, vines, flowers, and moss on land of another, or on land reserved, set aside, or maintained by the State as a public highway or public park, or as a refuge or sanctuary for wild animals; etc.; and declaring an emergency." (With amendments.)

The Senate has concurred in House amendments to Senate Bill No. 542 by the following vote: Yeas, 28; nays, 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 14, "An Act to amend Article 2549, of the Revised Civil Statutes of Texas for 1925, so that the requirements and provisions of said Article shall remain and be the same at the present, except that it shall provide that funds deposited by the tax collector of each county shall bear interest on daily balances 'at the rate, if any, fixed for such deposits of the tax collector by the commissioners court in its order designating such depository or depositories,' instead of 'at the same rate as such depository or depositories have undertaken to pay for the use of county funds,' and declaring an emergency."

S. B. No. 531, "An Act amending Article 6674-n, Revised Civil Statutes of 1925, as amended by Chapter 10, Acts of the Third Called Session of the Forty-first Legislature, and Chapter 79, Acts of the Fifth Called Session of the Forty-first Legislature, so as to authorize the State

Highway Commission, or the commissioners court, to condemn land not more than 100 feet in width for stream-bed diversion, in connection with the locating, relocating, or construction of a designated State highway; and declaring an emergency."

H. B. No. 218, "An Act authorizing and directing the Commissioner of the General Land Office to ascertain the amount of bonus and rental money due the State of Texas as a result of the execution of oil and gas leases by owners of the soil as agents of the State under the provisions of the Relinquishment Act, and to determine who owes the money to the State under the provisions of said Act, and defining said Act; providing that when the debtors and the amount of indebtedness are ascertained, such debts shall be paid in cash, or in the event the Commissioner of the General Land Office finds from the affidavit that proof submitted by the debtor that such debtor is unable to pay in cash, such debt may be settled by paying one-twentieth thereof in cash and executing an obligation payable to the State for the balance due in twenty equal annual installments with interest at 4 per cent per annum; providing that if an extension of time may not be granted to those unable to pay in cash, that such extensions be granted to all; etc.; and declaring an emergency."

S. B. No. 52, "An Act providing a method of securing service of process over foreign corporations engaged in or desiring to do business in the State of Texas, amending Article 1529, of the Revised Civil Statutes of the State of Texas, relating to the rights of foreign corporations to secure permits to do business in Texas, and repealing laws in conflict herewith, containing a saving clause, and declaring an emergency."

H. B. No. 83, "An Act to provide for the Texas Prison Board, through its general manager, bidding for contracts to supply the State with printing, binding, and supplies of like character with the Board of Control without a bond, and entering into such contracts with the Board of Control without a bond, and entering into such contracts with the Board of Control without executing a bond; and declaring an emergency."

S. B. No. 560, "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas, which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization, or where the city council, city commission, or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; making this Act applicable only to counties having a population of twelve thousand (12,000) to twelve thousand and five hundred (12,500), according to the last preceding United States Census; and declaring an emergency."

H. B. No. 771, "An Act providing for the creation of the Texas Canyon State Park; withdrawing certain public school lands in Brewster and Presidio Counties, Texas, from sale; providing for conveyance of said land to the State of Texas for park purposes; valuing same, and making an appropriation out of the General Revenue for payment of the Permanent School Fund of Texas for consideration of such transfer; providing that said Texas Canyon State Park shall be under supervision and control of said Texas Park Board; and declaring an emergency."

CONFERENCE COMMITTEE ON SENATE BILL NO. 191

On motion of Mr. Kayton, the House granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 191.

The Speaker announced the appointment of the following committee: Messrs. Kayton, Coombes, Adamson, Van Zandt, and Tennyson.

HOUSE BILL NO. 47 WITH SENATE AMENDMENTS

Mr. Morse called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 47, A bill to be entitled "An Act to prohibit the wilful taking,

injury, or destruction of trees, shrubs, vines, flowers, and moss on land of another, or on land reserved, set aside, or maintained by the State as a public highway or public park, or as a refuge or sanctuary for wild animals, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Morse moved that the House concur in the Senate amendments.

Mr. Vaughan moved that the House do not concur in the Senate amendments.

Question just recurring on the motion by Mr. Vaughan, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—73

Adamson.	Jones of Atascosa.
Alsup.	Jones of Runnels.
Anderson	Jones of Shelby.
of Bexar.	Kyle of Hays.
Anderson	Kyle of Palo Pinto.
of Johnson.	Laird.
Baker.	Leonard.
Barrett.	Lotief.
Bourne.	Magee.
Camp.	McCullough.
Canon.	McKee.
Cathey.	Merritt.
Caven.	Mitcham.
Coombes.	Moffett.
Cowley.	Morrison.
Crossley.	Pavlica.
Daniel.	Puryear.
Dean.	Ratliff.
Dunagan.	Ray.
Fain.	Reed of Bowie.
Few.	Renfro.
Glass.	Roberts.
Golson.	Rogers of Hunt.
Good.	Rollins.
Goodman.	Scott.
Greathouse.	Shults.
Haag.	Stanfield.
Harris.	Stovall.
Hartzog.	Tarwater.
Head.	Tennyson.
Hicks.	Thomas.
Hill of Brazoria.	Tillery.
Holekamp.	Van Zandt.
Hunt.	Vaughan.
Jackson.	Walker.
James.	Weinert.
Johnson	Wood.
of Anderson.	Young.

Nays—46

Aikin.	Alexander.
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Bedford.	Moore.
Bradley.	Morse.
Burns.	Munson.
Celaya.	Nicholson.
Chastain.	Palmer.
Clayton.	Patterson.
Davidson.	Reed of Dallas.
Dwyer.	Riddle.
Ford.	Rogers
Fuchs.	of Ochiltree.
Griffith.	Ross.
Hankamer.	Russell.
Harrison.	Savage.
Hester.	Scarborough.
Hodges.	Shannon.
Holland.	Smith.
Hughes.	Steward.
Jefferson.	Stinson.
Latham.	Turlington.
Long.	Wagstaff.
Mackay.	Wells.
McGregor.	Winningham.
Metcalfe.	

Absent

Barron.	Hoskins.
Beck.	Huddleston.
Butler.	Hyder.
Calvert.	Kayton.
Colson.	Lindsey.
Devall.	McClain.
Dunlap.	Parkhouse.
Duvall.	Pope.
Engelhard.	Ramsey.
Graves.	Sullivant.
Harman.	Townsend.
Holloway.	

Absent—Excused

Fisher.	Lemens.
Hill of Webb.	Mathis.
Johnson	McDougald.
of Dimmit.	Reader.

Mr. Anderson of Bexar moved to reconsider the vote by which the motion was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Morse moved that the House request the appointment of a conference committee to adjust the differences on House Bill No. 47.

Mr. Leonard moved to table the motion by Mr. Morse, and the motion to table was lost.

Question then recurring on the motion by Mr. Morse, it prevailed.

RECESS

On motion of Mr. Wells, the House at 12:30 o'clock p. m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

BILLS ORDERED NOT PRINTED

On motion of Mr. Laird, Senate Bills Nos. 163 and 543 were ordered not printed.

SENATE BILL NO. 338 ON THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 338, relative to pensions for Confederate Veterans, on its final passage;

The bill having heretofore been read third time.

Senate Bill No. 338 was then passed.

LEAVES OF ABSENCE GRANTED

(By Unanimous Consent)

Mr. Shults was granted leave of absence for this afternoon on account of important business, on motion of Mr. Roberts.

Mr. Camp was granted leave of absence for this afternoon on account of important committee work, on motion of Mr. Graves.

SENATE BILL NO. 571 ON SECOND READING

On motion of Mr. Holekamp, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 571, A bill to be entitled "An Act to amend Articles 1257 and 1259, of the Revised Civil Statutes of 1925, relating to abolition of corporate existence of cities and towns, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to third reading.

SENATE BILL NO. 571 ON THIRD READING

Mr. Holekamp moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 571 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

Adamson.	Jones of Atascosa.
Aikin.	Kayton.
Alexander.	Kyle of Palo Pinto.
Anderson.	Laird.
of Bexar.	Latham.
Anderson	Long.
of Johnson.	Lotief.
Baker.	Mackay.
Barrett.	McCullough.
Bourne.	Merritt.
Bradley.	Metcalfe.
Burns.	Mitcham.
Butler.	Moffett.
Canon.	Moore.
Cathey.	Morrison.
Caven.	Morse.
Clayton.	Nicholson.
Cowley.	Parkhouse.
Crossley.	Patterson.
Daniel.	Pavlica.
Davidson.	Pope.
Dean.	Puryear.
Dunagan.	Ramsey.
Dwyer.	Ratliff.
Engelhard.	Ray.
Fain.	Reed of Bowie.
Few.	Reed of Dallas.
Ford.	Renfro.
Fuchs.	Riddle.
Glass.	Roberts.
Golson.	Rollins.
Good.	Ross.
Goodman.	Savage.
Graves.	Scarborough.
Greathouse.	Scott.
Griffith.	Shannon.
Hankamer.	Smith.
Harris.	Stanfield.
Head.	Steward.
Hester.	Stovall.
Hicks.	Tennyson.
Hill of Brazoria.	Thomas.
Hodges.	Tillery.
Holland.	Townsend.
Holloway.	Turlington.
Hoskins.	Van Zandt.
Huddleston.	Vaughan.
Hughes.	Walker.
Jackson.	Wells.
James.	Winningham.
Jefferson.	Wood.
Johnson	Young.
of Anderson.	

Absent

Alsup.	Jones of Shelby.
Barron.	Kyle of Hays.
Beck.	Leonard.
Bedford.	Lindsey.
Calvert.	Magee.
Celaya.	McClain.
Chastain.	McGregor.
Colson.	McKee.
Coombes.	Munson.
Devall.	Palmer.
Dunlap.	Rogers of Hunt.
Duvall.	Rogers
Haag.	of Ochiltree.
Harman.	Russell.
Harrison.	Stinson.
Hartzog.	Sullivant.
Holekamp.	Tarwater.
Hunt.	Wagstaff.
Hyder.	Weinert.
Jones of Runnels.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

The Speaker then laid Senate Bill No. 571 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104

Adamson.	Glass.
Aikin.	Golson.
Alexander.	Good.
Anderson	Goodman.
of Bexar.	Graves.
Anderson	Greathouse.
of Johnson.	Griffith.
Baker.	Hankamer.
Barrett.	Harris.
Bedford.	Hartzog.
Bourne.	Head.
Bradley.	Hester.
Burns.	Hicks.
Canon.	Hill of Brazoria.
Caven.	Hodges.
Clayton.	Holekamp.
Cowley.	Holland.
Crossley.	Hoskins.
Daniel.	Huddleston.
Davidson.	Hughes.
Dean.	Hyder.
Dunagan.	Jackson.
Dwyer.	James.
Engelhard.	Johnson
Fain.	of Anderson.
Few.	Jones of Atascosa.
Ford.	Kayton.
Fuchs.	Kyle of Palo Pinto.

Laird.	Riddle.
Latham.	Roberts.
Lindsey.	Rollins.
Long.	Ross.
Lotief.	Russell.
Mackay.	Savage.
McCullough.	Scarborough.
Merritt.	Scott.
Metcalfe.	Shannon.
Mitcham.	Smith.
Moffett.	Stanfield.
Moore.	Steward.
Morrison.	Stovall.
Morse.	Tennyson.
Nicholson.	Thomas.
Parkhouse.	Townsend.
Patterson.	Turlington.
Pavlica.	Van Zandt.
Pope.	Vaughan.
Puryear.	Walker.
Ramsey.	Weinert.
Ratliff.	Wells.
Ray.	Winningham.
Reed of Bowie.	Wood.
Reed of Dallas.	Young.
Renfro.	

Absent

Alsup.	Jones of Runnels.
Barron.	Jones of Shelby.
Beck.	Kyle of Hays.
Butler.	Leonard.
Calvert.	Magee.
Cathey.	McClain.
Celaya.	McGregor.
Chastain.	McKee.
Colson.	Munson.
Coombes.	Palmer.
Devall.	Rogers of Hunt.
Dunlap.	Rogers
Duvall.	of Ochiltree.
Haag.	Stinson.
Harman.	Sullivant.
Harrison.	Tarwater.
Holloway.	Tillery.
Hunt.	Wagstaff.
Jefferson.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

Mr. Dunagan moved a call of the House for the purpose of maintaining a quorum until 5 o'clock p. m., today, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

HOUSE BILL ON FIRST READING

Mr. Celaya moved to introduce, at this time, and have placed on first reading, the following bill:

The motion prevailed by the following vote:

Yeas—102

Adamson.	Johnson
Aikin.	of Anderson.
Alexander.	Jones of Atascosa.
Anderson	Kayton.
of Bexar.	Kyle of Palo Pinto.
Anderson	Laird.
of Johnson.	Latham.
Baker.	Leonard.
Barrett.	Long.
Bedford.	Lotief.
Bourne.	Mackay.
Bradley.	Magee.
Burns.	Metcalf.
Canon.	Mitcham.
Cathey.	Moffett.
Caven.	Moore.
Celaya.	Morrison.
Clayton.	Morse.
Cowley.	Nicholson.
Crossley.	Parkhouse.
Daniel.	Patterson.
Davidson.	Pavlica.
Dean.	Puryear.
Dunlap.	Ratliff.
Dunagan.	Ray.
Dwyer.	Reed of Bowie.
Engelhard.	Reed of Dallas.
Fain.	Riddle.
Few.	Roberts.
Ford.	Rollins.
Fuchs.	Ross.
Glass.	Russell.
Golson.	Savage.
Good.	Scarborough.
Goodman.	Shannon.
Graves.	Smith.
Greathouse.	Stanfield.
Griffith.	Steward.
Hankamer.	Stovall.
Harris.	Tarwater.
Hartzog.	Thomas.
Head.	Tillery.
Hester.	Townsend.
Hodges.	Turlington.
Holekamp.	Van Zandt.
Holland.	Vaughan.
Hoskins.	Walker.
Huddleston.	Weinert.
Hughes.	Wells.
Hunt.	Winningham.
Hyder.	Wood.
Jackson.	Young.
James.	

Present—Not Voting

Merritt.

Absent

Alsup.	Chastain.
Barron.	Colson.
Beck.	Coombes.
Butler.	Devall.
Calvert.	Duvall.

Haag.	McKee.
Harman.	Munson.
Harrison.	Palmer.
Hicks.	Pope.
Hill of Brazoria.	Ramsey.
Holloway.	Renfro.
Jefferson.	Rogers of Hunt.
Jones of Runnels.	Rogers
Jones of Shelby.	of Ochiltree.
Kyle of Hays.	Scott.
Lindsey.	Stinson.
McClain.	Sullivan.
McCullough.	Tennyson.
McGregor.	Wagstaff.

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Leonard and Mr. Celaya:

H. B. No. 954, A bill to be entitled "An Act to empower governing boards of water improvement districts, water control and improvement districts, and irrigation districts in all counties in this State having a population of not less than 77,500 nor more than 77,600, according to the last preceding Federal Census, to make adjustment and or correction in flat-rate charges; and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

SENATE BILL NO. 493 ON SECOND READING

On motion of Mr. Wagstaff, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 493, A bill to be entitled "An Act to repeal Article 587, of the Penal Code, Acts, 1909, page 289, Acts, 1921, page 152; and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Roberts offered the following amendment to the bill:

Amend Senate Bill No. 493 by adding a new Section thereto, and renumber the sections of said bill ac-

cordingly; and amend the caption of said bill to include the subject matter of this new Section, reading as follows:

"Subsection 2. That Article 4769, of the Revised Civil Statutes of Texas, be, and it is hereby, amended to hereafter read as follows:

"Article 4769. Each life insurance company transacting business in this State shall, annually, on or before the first day of March, make a report to the Commissioner, which report shall be sworn to by either the president or vice-president and secretary or treasurer of such company, which shall show the gross amount of premiums collected during the year ending on December 31, preceding, from citizens of this State, upon policies of insurance. Each such company shall pay annually an occupation tax equal to 3 per cent of such gross premium receipts. When the report of the investment in Texas securities, as defined by law, of any such companies as of December 31, of any year, shall show that it has invested on said date as much as 30 per cent of its total Texas reserves, as defined by law, in promissory notes or other obligations secured by mortgage, deed of trust, or other lien on Texas real estate, the rate of occupation tax shall be reduced to two and six-tenths per cent; and when such report shall show that such company has so invested on said date as much as 60 per cent of its total Texas reserve, the rate of such occupation tax shall be reduced to two and three-tenths per cent; and when such report shall show that such company has so invested, on said date, as much as 75 per cent of its total Texas reserve, the rate of such occupation tax shall be reduced to 2 per cent. All such companies shall, in any event, make the investments in Texas securities in proportion to the amount of Texas reserves as required by law. Such occupation taxes shall be for and on account of the business transacted within this State during the calendar year in which such premiums were collected, or for that portion thereof during which the company shall have transacted business in this State."

"Subsection 2. All laws and parts of laws in conflict herewith be, and the same are hereby, repealed, and especially the last sentence in Article 4754, Revised Civil Statutes of Texas, 1925, which reads as follows:

"Home insurance companies shall not be required to pay any occupation or gross receipts tax."

"Subsection 2. Due to the fact that certain domestic insurance companies are not paying a just proportion of taxes, while other domestic insurance companies and foreign insurance companies are bearing an unjust proportion of the taxes, creates an emergency and an imperative public necessity demanding that the constitutional rule, which requires all bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and this Act shall be in force and effect from and after its passage, and it is so enacted."

ROBERTS,
CAMP.

Mr. Parkhouse raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Senate Bill No. 493 was then passed to third reading.

SENATE BILL NO. 493 ON THIRD READING

Mr. Jones of Atascosa moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 493 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—95

Adamson.	Dunlap.
Aikin.	Dunagan.
Alexander.	Dwyer.
Anderson	Engelhard.
of Johnson.	Fain.
Baker.	Few.
Barrett.	Ford.
Bedford.	Fuchs.
Bourne.	Glass.
Bradley.	Golson.
Burns.	Good.
Cathey.	Goodman.
Caven.	Graves.
Chastain.	Greathouse.
Clayton.	Griffith.
Colson.	Hankamer.
Cowley.	Hartzog.
Daniel.	Head.
Davidson.	Hester.
Dean.	Holekamp.

Hoskins.	Ray.
Hughes.	Reed of Bowie.
Hunt.	Reed of Dallas.
Hyder.	Riddle.
Jackson.	Roberts.
James.	Rollins.
Jones of Atascosa.	Ross.
Kayton.	Russell.
Kyle of Palo Pinto.	Savage.
Laird.	Scarborough.
Latham.	Scott.
Long.	Shannon.
Lotief.	Smith.
Mackay.	Stanfield.
McCullough.	Steward.
Merritt.	Stovall.
Metcalfe.	Tarwater.
Moffett.	Tennyson.
Moore.	Thomas.
Morrison.	Tillery.
Morse.	Turlington.
Parkhouse.	Van Zandt.
Patterson.	Vaughan.
Pavlica.	Wagstaff.
Pope.	Walker.
Puryear.	Winningham.
Ramsey.	Wood.
Ratliff.	Young.

Nays—5

Crossley.	Johnson
Hicks.	of Anderson.
Holland.	Magee.

Present—Not Voting

Nicholson.

Absent

Alsop.	Jones of Runnels.
Anderson	Jones of Shelby.
of Bexar.	Kyle of Hays.
Barron.	Leonard.
Beck.	Lindsey.
Butler.	McClain.
Calvert.	McGregor.
Canon.	McKee.
Celaya.	Mitcham.
Coombes.	Munson.
Devall.	Palmer.
Duvall.	Renfro.
Haag.	Rogers of Hunt.
Harman.	Rogers
Harris.	of Ochiltree.
Harrison.	Stinson.
Hill of Brazoria.	Sullivant.
Hodges.	Townsend.
Holloway.	Weinert.
Huddleston.	Wells.
Jefferson.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

The Speaker then laid Senate Bill No. 493 before the House on its third reading and final passage.

The bill was read third time, and was passed.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 26, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee on House Bill No. 923. The following have been appointed on the part of the Senate: Senators Woodward, Parr, Regan, Martin, and Woodul.

The Senate has adopted

H. C. R. No. 103, Authorizing the Enrolling Clerk of the House to make certain corrections to House Bill No. 911.

S. C. R. No. 74, Granting Browne Land and Cattle Company permission to sue the State.

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONFERENCE COMMITTEE ON
HOUSE BILL NO. 166

The Speaker announced the appointment of the following conference committee on House Bill No. 166: Messrs. Harman, Chastain, Clayton, Burns, and Graves.

CONSIDERATION OF CONFER-
ENCE COMMITTEE REPORT
ON HOUSE BILL NO. 166

Mr. Harman submitted the conference committee report on House Bill No. 166:

Committee Room,
Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two (2) Houses on

H. B. No. 166, A bill to be entitled "An Act making appropriations for the support, maintenance, operation,

and improvement of the State institutions of higher learning for the two (2) fiscal years beginning September 1, 1933, and ending August 31, 1935, and for certain other educational agencies of the State, prescribing certain restrictions concerning the expenditures of said appropriations; and declaring an emergency,"

Have had said bill under consideration, after the House of Representatives refused to adopt the original report filed on May 25, and beg leave to report that we have again considered said bill, and after having made approximately five hundred reductions in various items of the bill, have reduced the grand total for the biennium of \$302,699.95.

We further report that the original conference report has been re-itemized so that the total is \$9,216,565.05, as against \$9,519,265, so that there has been a saving of \$302,699.95.

We therefore respectfully ask that the conference report be accepted and adopted as amended by the committee.

Respectfully submitted,

HOLBROOK,
WOODRUFF,
PATTON,

On the part of the Senate;

HARMAN,
BURNS,
GRAVES,
CLAYTON,
CHASTAIN,

On the part of the House.

Mr. Scarborough moved that the report be not adopted, and that a new committee be appointed to adjust the differences.

Mr. Harman moved that the report be adopted.

Question first recurring on the motion by Mr. Scarborough, it was lost by the following vote:

Yeas—50

Adamson.	Coombes.
Aikin.	Davidson.
Alexander.	Dunagan.
Baker.	Fain.
Barrett.	Good.
Barron.	Harris.
Bourne.	Harrison.
Camp.	Hartzog.
Canon.	Hicks.
Cathey.	Hodges.
Colson.	Holland.

Hoskins.
Huddleston.
Hunt.
Jefferson.
Kayton.
Laird.
Lotief.
McClain.
McKee.
Merritt.
Mitcham.
Moffett.
Palmer.
Parkhouse.
Pope.

Alsup.
Anderson
of Bexar.
Anderson
of Johnson.
Bedford.
Bradley.
Burns.
Caven.
Celaya.
Chastain.
Clayton.
Cowley.
Crossley.
Daniel.
Dean.
Dunlap.
Dwyer.
Few.
Ford.
Fuchs.
Glass.
Golson.
Goodman.
Greathouse.
Griffith.
Haag.
Hankamer.
Harman.
Head.
Hester.
Holloway.
Hughes.
Hyder.
Jackson.
James.
Johnson
of Anderson.
Jones of Atascosa.
Jones of Runnels.
Jones of Shelby.
Kyle of Hays.

Puryear.
Reed of Bowie.
Rogers of Hunt.
Rogers
of Ochiltree.
Rollins.
Russell.
Savage.
Scarborough.
Scott.
Stinson.
Van Zandt.
Vaughan.
Wood.

Nays—80

Latham.
Leonard.
Lindsey.
Long.
Mackay.
Magee.
McCullough.
McGregor.
Metcalf.
Moore.
Morrison.
Morse.
Munson.
Nicholson.
Patterson.
Pavlica.
Ramsey.
Ratliff.
Ray.
Reed of Dallas.
Renfro.
Riddle.
Roberts.
Ross.
Shannon.
Smith.
Stanfield.
Steward.
Stovall.
Tarwater.
Tennyson.
Thomas.
Tillery.
Townsend.
Turlington.
Wagstaff.
Walker.
Weinert.
Wells.
Winningham.
Young.

Absent

Beck.	Graves.
Butler.	Hill of Brazoria.
Calvert.	Holekamp.
Devall.	Kyle of Palo Pinto.
Duvall.	Sullivant.
Engelhard.	

Absent—Excused

Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.
Lemens.	

Mr. Fain moved that the report be not adopted, and that the same committee be retained, with instructions to make a report to the House by 12 o'clock m., Saturday.

Mr. Stovall moved to table the motion by Mr. Fain.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—68

Anderson	Kyle of Hays.
of Bexar.	Latham.
Anderson	Leonard.
of Johnson.	Long.
Bedford.	Mackay.
Bradley.	Magee.
Burns.	McGregor.
Caven.	Metcalf.
Celaya.	Moore.
Chastain.	Morse.
Clayton.	Munson.
Cowley.	Nicholson.
Crossley.	Patterson.
Daniel.	Pavlica.
Davidson.	Ramsey.
Dunlap.	Ratliff.
Dwyer.	Ray.
Engelhard.	Renfro.
Few.	Riddle.
Ford.	Ross.
Glass.	Shannon.
Greathouse.	Smith.
Griffith.	Stanfield.
Hankamer.	Steward.
Harman.	Stovall.
Head.	Tarwater.
Hester.	Tennyson.
Hodges.	Tillery.
Holloway.	Townsend.
Hughes.	Turlington.
Hyder.	Walker.
Jackson.	Weinert.
Johnson	Wells.
of Anderson.	Winningham.
Jones of Atascosa.	Young.
Jones of Shelby.	

Nays—57

Adamson.	Barron.
Aikin.	Bourne.
Alexander.	Camp.
Alsup.	Canon.
Baker.	Cathey.
Barrett.	Coombes.

Dunagan.	Merritt.
Fain.	Mitcham.
Fuchs.	Moffett.
Golson.	Palmer.
Good.	Parkhouse.
Goodman.	Puryear.
Haag.	Reed of Bowie.
Harris.	Reed of Dallas.
Hartzog.	Roberts.
Hicks.	Rogers of Hunt.
Holland.	Rogers
Hoskins.	of Ochiltree.
Huddleston.	Rollins.
Hunt.	Russell.
James.	Savage.
Jefferson.	Scarborough.
Jones of Runnels.	Scott.
Kayton.	Stinson.
Laird.	Thomas.
Lindsey.	Van Zandt.
Lotief.	Vaughan.
McCullough.	Wagstaff.
McKee.	Wood.

Absent

Beck.	Harrison.
Butler.	Hill of Brazoria.
Calvert.	Holekamp.
Colson.	Kyle of Palo Pinto.
Dean.	McClain.
Devall.	Morrison.
Duvall.	Pope.
Graves.	Sullivant.

Absent—Excused

Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.
Lemens.	

Question then recurring on the adoption of the conference committee report on House Bill No. 166, yeas and nays were demanded.

The report was adopted by the following vote:

Yeas—74

Alsup.	Daniel.
Anderson	Dean.
of Bexar.	Dunlap.
Anderson	Dwyer.
of Johnson.	Few.
Bedford.	Ford.
Bradley.	Fuchs.
Burns.	Glass.
Butler.	Goodman.
Caven.	Greathouse.
Celaya.	Griffith.
Chastain.	Haag.
Clayton.	Hankamer.
Cowley.	Harman.
Crossley.	Head.

Hester.	Patterson.
Holland.	Pavlica.
Holloway.	Ramsey.
Hughes.	Ratliff.
Hyder.	Ray.
Jackson.	Renfro.
James.	Riddle.
Johnson	Ross.
of Anderson.	Shannon.
Jones of Atascosa.	Smith.
Jones of Shelby.	Stanfield.
Kyle of Hays.	Steward.
Latham.	Stovall.
Leonard.	Tarwater.
Long.	Tennyson.
Mackay.	Tillery.
Magee.	Townsend.
McGregor.	Turlington.
Metcalf.	Walker.
Moore.	Weinert.
Morrison.	Wells.
Morse.	Winningham.
Munson.	Young.
Nicholson.	

Nays—55

Adamson.	Lindsey.
Aikin.	Lotief.
Alexander.	McCullough.
Baker.	McKee.
Barrett.	Merritt.
Barron.	Mitcham.
Bourne.	Moffett.
Camp.	Palmer.
Canon.	Parkhouse.
Cathey.	Pope.
Coombes.	Puryear.
Davidson.	Reed of Bowie.
Dunagan.	Reed of Dallas.
Engelhard.	Roberts.
Fain.	Rogers of Hunt.
Golson.	Rogers
Good.	of Ochiltree.
Harris.	Rollins.
Hartzog.	Russell.
Hicks.	Savage.
Hodges.	Scarborough.
Hoskins.	Scott.
Huddleston.	Stinson.
Hunt.	Thomas.
Jefferson.	Van Zandt.
Jones of Runnels.	Vaughan.
Kayton.	Wagstaff.
Laird.	Wood.

Absent

Beck.	Harrison.
Calvert.	Hill of Brazoria.
Colson.	Holekamp.
Devall.	Kyle of Palo Pinto.
Duvall.	McClain.
Graves.	Sullivan.

Absent—Excused

Fisher.	Johnson
Hill of Webb.	of Dimmit.

Lemens.	Reader.
Mathis.	Shults.
McDougald.	

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 928

Mr. Shannon submitted the following conference committee report on House Bill No. 928:

Committee Room,
Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two Houses on

H. B. No. 928, A bill to be entitled "An Act to make provisions for: (Section 1): To anticipate the submission and adoption of the proposed constitutional amendment to provide for the adoption of a home rule charter by any county in Texas, upon a vote of the qualified resident electors of any county, all as proposed in the pending Senate Resolution No. 3. Reference to said proposed amendment to the Constitution in the exact form for submission to the electors of the State here is made, to the same effect as though it were embodied herein. Further providing (Section 21 hereof) that, no county charter provision impairing the operation of the general laws of the State relating to the judicial, tax, fiscal, educational, police, highway, and health systems of the State, or any department of the State's superior Government may have effect as against the State, etc."

Having considered the differences between the two Houses, and having reached an agreement, beg leave to report that the hereto attached completed bill is the bill which we recommend to be passed by both Houses.

We recommend the adoption of this report, and the final passage by both Houses of the bill attached hereto:

"H. B. No. 928,

A BILL

To Be Entitled

An Act to make provision for: 1. (Section 1.) To anticipate the submission and adoption of the pro-

posed constitutional amendment to provide for the adoption of a home rule charter by any county in Texas, upon a vote of the qualified resident electors of certain counties, all as proposed in the pending Senate Joint Resolution No. 3. Reference to said proposed amendment to the Constitution in the exact form for submission to the electors of the State, here is made, to the same effect as though it were embodied herein. Further providing (Section 21 hereof) that, no county charter provision impairing the operation of the general laws of the State relating to the judicial, tax, fiscal, educational, police, highway, and health systems of the State, or any department of the State's superior Government may have effect as against the State. 2. (Section 2.) Making provision for calling conventions in each voting precinct in a county, for the selection of resident delegates to a county convention to be held for the selection of a charter drafting commission, to be composed of persons considered capable of drafting, or to give aid in drafting a charter deemed to conform to the will and needs of the qualified resident electors of the county, and to be subject to adoption or rejection by vote of the people of the county, under the express conditions of the proposed amendment and the procedural safeguards of this Act. 3. (Section 3.) Fixing the qualifications of the signers of a petition for calling a county charter convention, the qualifications of persons who may participate in charter conventions and the qualifications of voters in a charter election. Also fixing the manner for publishing notice and of giving of written notice of various acts required hereby to be done, and prescribing the time for such notices. Also permitting the charter drafting commission to prescribe reasonable notice to its members concerning its meetings and acts. 4. (Section 4.) Fixing the form of a petition for submission of a county charter proposal and prescribing the number and qualifications of signers thereof; providing for the filing thereof with the clerk of the commissioners court of the county, and defining his duties relating thereto. 5. (Section 5.) Fixing the time for action

by the court upon such petition, and requiring the court to enter its order on such petition, calling a convention in each voting precinct of the county, prescribing the time for holding such precinct conventions, and defining their duties. Also providing for the designation of the day, hour, and place for holding each precinct convention. Also providing that the court's order shall fix the day, hour, and place for holding the county charter convention; prescribing the limits of time within which precinct and county conventions must be held. 6. (Section 6.) Prescribing the substantive form of the notice of the court's order calling the conventions (including the form of the credentials of delegates, and alternate delegates, from precinct conventions to county conventions, and direction for the use of same), and requiring publication of such notice. 7. (Section 7.) Specifying that precinct conventions shall be held and proceed for their business, all as fixed in the notice to be published by the commissioners court. 8. (Sections 8, 9, and 10.) Prescribing the manner of organizing the county convention for business; its procedures after organization; its duty to fix the number of persons to serve as a charter drafting commission and to select persons qualified to serve thereon. Providing for fifty-one (51) or more per centum of the total authorized members of the convention to constitute a quorum. Requiring that a journal of all proceedings be kept, showing all yea and nay ballots on each substantive question. Providing for recesses of the convention and notice of re-assembling, but forbidding adjournment until its duties have been performed. Providing various procedural safeguards and requiring that service in the convention be without compensation. 9. (Section 11.) (a) Prescribing the time for meeting and organization of the charter drafting commission; fixing its quorum for business and providing for filling vacancies thereon by the commissioners court. Authorizing the commission to adopt reasonable rules to control notice of its meetings and its procedures. (b) Providing that service on the commission be without compensa-

tion, but authorizing the commission to incur certain specified necessary expenses and limiting the same; prescribing how such expense may be proved, certified, and paid by the county. (c) Providing the time within which the commission must conclude its labors, and requiring that the record of its proceedings and all pending written proposals be open to inspection by the public. (d) Providing for alternate and elective charter provisions to be written and submitted for choice by vote of the electors. Providing the commission's certificate of recommendation of adoption of the proposed charter drafted by it. (e) Providing that if the charter commission originally chosen fails to produce and certify a proposed charter within one hundred eighty (180) days next after its appointment, it automatically shall be discharged, and a new charter commission chosen by the reassembled county convention, after procedures and notice for reassembly as by this Act provided. Providing for organization, procedure, and the performance of duty of the substitute commission as provided for a defaulting commission. (f) Providing that the commission, upon certification of preliminary recommendation of adoption of a charter, by its order, shall fix not less than five (5) times and places in the county for public hearings on the charter as then proposed, and shall cause notice thereof, together with a complete certified copy of the proposed charter, to be published as prescribed in Section 3 of this Act. Fixing the time for such publications, the limit in time for such hearings, and providing the procedure for such hearings. Requiring that all qualified resident electors be heard at such hearings. Providing that, within ten (10) days after such hearings, the commission shall make such revision of the proposed charter as by them may be deemed for the betterment thereof. 10. (Section 12.) Fixing the time within which the commission shall prepare its report of a final recommendation for the adoption of the charter drafted by it. Requiring this report and request for the holding of a charter election, to be filed with the com-

missioners court of the county. Requiring the report to be accompanied by two true copies of the proposed charter and prescribing the form for such report and request. 11. (Section 13.) (a) Prescribing the duties of the clerk of the court and the duties of the court with reference to such report. (b) Requiring the court by order to call a county charter election, and fixing the time therefor. (c) Providing that the election be conducted after such notice and as is or may be provided by the laws of Texas regulating general elections, save as to those matters specifically provided in this Act, as being peculiarly appropriate to the subject matter of the Act. Providing for the printing of copies of the proposed charter and distribution of copies thereof in each voting precinct of the county; requiring that the charter, with alternate provisions, if any, be published in full in the published notice of election; providing for ballots and the propositions or proposals to be printed thereon, and prescribing the manner in which the choice of the electors shall be determined. Providing that no proposal to consolidate or merge governmental functions of separate governmental agencies or bodies politic may be voted on at an election held for the original adoption of a charter. Providing that a charter once adopted may make provision whereby such consolidations may be submitted to the voters of the county, as authorized by said proposed amendment to the Constitution. 12. (Section 14.) Providing for canvass of the returns and declaration of the result to be performed by the commissioners court and the charter drafting commission sitting jointly as a board therefor, and providing for contest of such elections as provided for contest of general elections, but requiring as a condition precedent to a judicial review that certain procedures be taken as specified in Subdivisions a, b, c, and d of Section 14 of this Act. Also providing that the findings of the joint board of review composed of the commissioners court and the charter commission be received in evidence in the court of jurisdiction of the contest, and that such findings shall

constitute prima facie proof of the facts stated therein. 13. (Section 15.) Providing (in conformity to the provisions of said amendment to the Constitution) that a proposed charter shall be adopted only upon a favoring constitutional majority of the votes cast in the election. Providing that if a proposal to adopt a charter is defeated, no other such proposal may be initiated at a time less than twelve (12) months. Providing that charters hereunder may contain provisions regulating the adoption of amendments thereto, but may not forbid amendments for a period to exceed two (2) years; also, providing that in the absence of such charter provision, a charter adopted hereunder may be amended at any time. 14. (Section 16.) Providing that all charters adopted hereunder shall contain provisions for procedure for the abandonment thereof and return of the county to operate under the general laws of the State, but requiring such proposals must be determined by a majority vote of the electors of the county. 15. (Section 17.) Providing the means whereby proponents of the adoption or amendment of a charter may advance money to pay the cost of procedures hereunder in case money therefor be not available to the county, and providing means whereby they may be repaid such advances as and when money therefor may be available to the county. 16. (Section 20.) Provided that if any provision of this Act is declared invalid or unconstitutional, it shall not affect any other provision of this Act. 17. (Section 21.) And declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. This Act anticipates the adoption of an amendment to the Constitution of Texas as proposed by an Act of this Legislature, designated as Senate Joint Resolution No. 3, relating to home rule charters for counties and is enacted to create in the minds of the people certainty as to adequate safeguards to control the writing and adoption of such charters and to avoid delay in making effective the will of the people in case said amendment be adopted, as Section 3, of Article IX, of the Constitution. In case of the rejection of said proposed

amendment, this Act instantly shall be without force or effect. At the instant of the adoption of said proposed amendment, all provisions of this Act shall be in full force and have controlling effect.

Sec. 2. This Act shall apply to any qualified county of Texas, desiring to adopt a home rule charter under the powers, and within the limitations, expressed by Section 3, of Article IX, of the Constitution of Texas; and, the people of any qualified county who may desire to move for the adoption of a county charter, under such constitutional provisions, shall proceed thereto by calling a convention in each voting precinct of the county for the purpose of choosing a delegate and an alternate delegate to a county-wide convention; which convention shall be charged with the duty to select a charter drafting commission to be composed of persons considered capable of drafting, or to give aid in drafting, a charter deemed to conform to the will and needs of the qualified resident electors of the county; and, to be subject to rejection or adoption by vote of the people of the county; all to be done in keeping with the provisions of said amendment and under the procedural safeguards by this Act provided.

Sec. 3. All persons hereinafter referred to as the signers of petitions, as participating in precinct or county conventions and as voting in elections, to be held hereunder, shall be understood to mean resident qualified electors of the affected county. Where the publication of notice is required, unless otherwise provided as to a given case, such notice shall be given by publication in one or more newspapers, having general circulation in the county, at least one day in each of two (2) consecutive weeks, and to give not less than fourteen (14) days from the first day of such publication to the day of any proposed act to which such notice may relate, excluding the day of first publication and the day of the proposed act. The mailing of notice, as later in this Act may be required, unless otherwise provided as to a given case, shall be given by depositing in the United States mail written notice, appropriately addressed to the person or persons proper to have notice of a given matter, giving advice of the time and place at which any given

proposed act is to be considered or done. Not less than two (2) nor more than ten (10) business days (to be exclusive of the day of the mailing of the notice and the day of a proposed act) may run between the mailing of such notice and any desired meeting for the performance of an act to be done hereunder, all as hereinafter will be required; provided, however, calls for meetings of the charter drafting commission (hereinafter provided for) shall be as established by it, as being reasonable, fitting and necessary.

Sec. 4. Proponents of the adoption of a county charter hereunder, subject to the further provisions of this Section, may procure and present to the commissioners court of the county (hereinafter designated as the "court") one or more petitions, bearing the true date upon which the circulation thereof began, seeking the calling of precinct and county conventions (as hereinafter provided for), and identical petitions signed by different qualified persons shall be considered as one petition. Only persons who are resident qualified voters of the county, owning real estate subject to the county's tax, may validly sign the petitions hereby provided for. The minimum number of signatures required upon such petitions shall be determined upon the county population basis, as given in the Federal Census issued next prior to the date of a given petition, and to be as follows: Counties of five thousand (5,000) population or under, one hundred (100); counties of five thousand and one (5,001) to ten thousand (10,000), two hundred (200); counties of ten thousand and one (10,001) to twenty-five thousand (25,000), three hundred (300); counties of twenty-five thousand and one (25,001) to seventy-five thousand (75,000), four hundred (400); counties of seventy-five thousand and one (75,001) to one hundred fifty thousand (150,000), five hundred (500); counties of one hundred fifty thousand and one (150,001) or more, six hundred (600). Any form of petition which indicates the desire to proceed for adoption of a home rule charter for the county (which hereinafter may be referred to as the "charter"), under said Section 3, of Article IX, of the Constitution, shall be sufficient. Upon the delivery of

such petition it shall be the duty of the clerk of said court to mark the day of filing thereon, and thereafter, as soon as may be done, to record the same in the minutes of the court as a part of the order which the court must enter in compliance with the petition.

Sec. 5. At the first meeting of the court after the filing of any such petition, or at any time not to exceed ten (10) days after the filing of such a petition, it shall be the duty of the court to enter its order to execute said petition by calling a precinct charter convention (hereinafter provided for) in each voting precinct of the county, as defined and designated at the time any such petition may bear date, for the purpose of selecting one delegate and an alternate from each precinct to participate in a county convention (hereinafter provided for). The court's call shall fix the time for holding such precinct conventions, for a time not less than twenty (20) days nor more than thirty (30) days after the date of the calling order, and shall fix the time for the holding of the county convention for a time not less than ten (10) days nor more than twenty (20) days after the time set for holding precinct conventions.

The call shall designate for each precinct a place therein for the holding of its convention and shall specify the time for opening such conventions at ten (10) o'clock of the morning. Such call also shall specify a place in the county seat (preferably a designated room in the county courthouse) for the holding of the county convention, and shall designate an opening hour therefor not earlier than ten (10) o'clock of the morning and not later than two (2) o'clock of the afternoon.

Sec. 6. The form of the call provided for in Section 5 hereof shall be in form substantially as follows:

"Notice

"State of Texas,

"County of.....

"To Each Resident Qualified Elector
of This County:

"Complying with a petition seeking the adoption of a county home rule charter, filed with the county commis-

sioners court of this county on the . . . day of . . . , 19 . . . , we issue and publish this call for precinct conventions and a county convention to provide a commission to draft a proposed charter to be submitted to a vote of the qualified electors of this county. You, respectively, hereby are notified to be present at ten (10) o'clock in the morning on the . . . day of . . . , 19 . . . , at the place hereinafter designated for the county voting precinct in which you may reside, for the purpose of participating in a precinct convention for the election of one delegate and one alternate to represent your precinct in a county convention to be held in (name place, city, or town, and designate the place therein) and to convene at . . . o'clock . . . m., on the . . . day of . . . , 19 . . . "

In the precinct convention each qualified person present and participating (to exclude all persons who are not qualified voters residing in the precinct) shall be entitled to one vote each on each question presented, and all questions shall be determined by a majority of the vote cast. Organization shall be effected by choice of a temporary chairman and a temporary secretary, to be followed by selection of a permanent chairman and a permanent secretary. The procedure shall be under Robert's Rules of Order, or other orderly procedure. All votes, save those incident to organization, shall be by written ballot. The convention, by majority vote, will choose one delegate and one alternate to participate in the county convention, both of whom must reside in the county voting precinct to be represented by them. When the delegate and the alternate shall have been chosen, the chairman and the secretary of the convention, in the presence of the convention, shall sign the credentials of the delegate and the alternate, both of whom shall countersign the credentials for identification, if required by the county convention. The credentials shall be sufficient, if in form, substantially as follows:

" . . . , . . . , 19 . . .

"To County Convention:

"This certifies to you that . . . (whose post-office address is . . .), as delegate, and . . . (whose post-office address is . . .), as alternate, will be authorized to rep-

resent Precinct No. in your proceeding.

Chairman;

Secretary.

"Countersigned:

Delegate;

Alternate Delegate."

The credentials so executed shall be placed in an envelope bearing the secretary's name written across the closed seal, and delivered by the delegate, or the alternate, to the temporary secretary of the county convention at the time of its convening. Whereupon, the persons so certified shall be entitled to represent your precinct in the county convention. The official county voting precinct numbers and the respective places for holding the several precinct conventions follow, viz.:

"Precinct No.
(Here designate)

"Place of Convention
(Here designate)

"Commissioners Court of
County, Texas,

By
County Judge.

"Attest:

Clerk."

(Seal)

Said notice, as soon as may be done, shall be published as provided in Section 3 of this Act. No error in the form of the notice or the printing thereof, which is not harmfully misleading, after the exercise of reasonable diligence to know the truth, shall invalidate the call for the conventions.

Sec. 7. The precinct conventions shall be held, organized and shall proceed to a conclusion as specified in the convention call written in Section 6 hereof.

Sec. 8. The county convention shall convene at the time and place designated in the call therefor (or other well-known adequate place, if it be not convenient to occupy the place originally designated), and shall proceed to temporary organization as provided for precinct conventions. The temporary chairman shall call

for the presentation of credentials of delegates and their alternates, whereupon the temporary chairman and temporary secretary, in the presence of all persons present who may desire to supervise, shall open the credentials and shall prepare a written permanent roll of all persons shown by the credentials to be authorized to participate in the further proceedings of the convention. The convention shall then proceed to permanent organization by electing a permanent chairman and secretary. Upon the roll shall be noted those delegates (and alternates for absent delegates) who may be present for participation in the convention. Procedure shall be in accordance with Robert's Rules of Order. The presence at roll call for the opening session of the convention of fifty-one (51), or more, per centum of the total number of authorized delegates shall constitute a quorum for the conduct of business during such session and until final adjournment and dissolution of the convention.

All questions shall be decided by a majority of the votes cast thereon. An alternate shall be permitted to participate in the proceedings of the convention only in the absence or non-participation of the delegate for whom such alternate was chosen. All votes shall be by written ballot bearing the voter's name and precinct number. The respective yeas and nays upon every question shall be recorded by name, in the presence of the convention, the result of each ballot shall be declared to the convention in an audible voice and shall be recorded in the convention's journal, in a manner showing each issue decided by each ballot taken. The convention may recess from time to time, but may not adjourn, until the work is ended; provided that, the time and place for resuming its session after a recess thereof shall be announced prior to such recess, or written notice of reassembly given as provided in Section 3 of this Act. The business of the convention shall be dispatched with all possible diligence, and no compensation or expense shall be allowed to any member of the convention.

Sec. 9. (a) When the convention shall have been organized, the members, by ballot, shall determine whether the charter drafting commission (which hereinafter may be referred

to as the "commission") to be chosen shall consist of three (3), five (5), seven (7), eleven (11), thirteen (13), or fifteen (15) members. This having been determined, the chairman of the convention, from the membership of the convention, shall appoint a nominating committee of five (5) persons, who shall retire and prepare a list, alphabetically arranged, of proposed members of the commission to be chosen, which list shall bear twice as many names of persons as there are to be members of the drafting commission, and regional representation may properly be made a consideration in the nominations. The persons to be named by the nominating committee may or may not be members of the convention, but they shall be persons deemed to have peculiar fitness for the drafting of, or to aid in the drafting of, a charter to control the county government.

(b) When the nominating committee shall have reported, they shall be discharged, and the secretary of the convention will furnish to each present member of the convention a true copy of the nominations, together with a ballot slip on which shall be written the number of names to be voted for. From the names nominated by the committee, each voting member of the convention shall select those nominated persons (equal in number to the membership of the drafting commission) preferred by the voting member for service on the commission, indicating the choice by crossing out the names of those nominated persons not preferred by the voter. There may be as many ballots as are required to obtain a majority vote for a number of nominees equal to the membership of the drafting commission: Those persons receiving, in consecutive order from high to low, the highest number of votes shall be elected for service: In case of a tie vote, balloting shall continue until the tie is broken. The results of each ballot shall be tallied and canvassed by the secretary, in the presence of the convention and the result audibly declared. The drafting commission so chosen shall be given their written credentials, signed by the chairman and secretary of the convention. Written minutes of all proceedings of the convention shall be kept in a journal, audibly read in the presence

of the convention, and if found without majority sustained objection, they shall be approved and signed by the chairman and secretary of the convention (safely to be preserved for disposition as later in this Act is provided), and thereupon the convention shall be adjourned, subject to recall only as hereinafter is provided for.

Sec. 10. The county charter convention and the charter drafting commission each shall cause to be kept a daily journal correctly reflecting their respective proceedings, and showing the yea and nay votes on all substantive questions, which shall be adequately identified in the journals. These journals must be preserved as permanent records and filed as archives in the records of the administrative body of the county, as hereinafter provided for.

Sec. 11. (a) Within ten (10) days after their election, the drafting commission shall convene at some convenient time and place in the county seat, known in advance to all members of the commission, for organization, which shall be as for organization of a precinct convention. The commission may adopt all necessary reasonable rules to control notice of meetings and its procedure, save that, attendance of a majority of the commission's membership shall be required to constitute a quorum for business, and all questions shall be decided by a majority vote of those members in attendance. So long as there be not vacancies to destroy a lawful quorum of the commission, it lawfully may transact its business and perform its duties; however, in case of a vacancy of a membership either through inability or failure or refusal of a member to act, the commission may certify the vacancy to the commissioners court, whereupon it shall become the duty of the court to fill the vacancy on the commission by a majority supported order entered of record in its minutes.

(b) The drafting commission shall be empowered to employ one clerk, who shall be a competent stenographer, and who shall fill the office of secretary of the commission. The commission shall be authorized to make reasonable compensation to its secretary, but not, in any event, to exceed six dollars (\$6) per day of actual service, and ratably for a

fraction of a day. The commission shall be authorized to incur all other reasonable expense, necessary to facilitate its work, but not in any event to exceed three dollars (\$3) per day (exclusive of the cost to publish notices, as required by this Act) for the full period from the first meeting day of the commission until it may have been discharged. The expenses so incurred, and the cost to publish the notices by this Act required, shall be paid under orders signed by the chairman and the secretary of the drafting commission, addressed to the commissioners court of the county, and, if the vouchers accompanying such orders be found to support the same, it shall be the duty of the court promptly to make payment thereof by warrants drawn on the county's general fund, whether budgeted therein, or not. No member of the drafting commission shall have compensation for service on the commission.

(c) The drafting commission shall diligently pursue its labors and at a time not less than sixty (60) days nor more than one hundred and eighty (180) days after their organization, they shall have prepared a complete proposed county charter. It shall be the duty of the secretary of the commission, at all reasonable times, to make available to any interested person the minutes of any prior meeting of the commission and any written proposals pending before the commission.

(d) In the preparation of the charter, any complete section thereof may be written in two (2) alternate and elective forms, for submission to a vote of the people. The proposed charter having been completed, there shall be written at the end thereof the words, "We hereby recommend the adoption of the foregoing proposed charter, subject to such later revisions as may grow out of our public hearings hereon," to be followed by the date of the certificate and the signatures of at least a majority of the drafting commission: Substantial compliance as to the form of the certificate shall be deemed sufficient.

(e) In case a charter drafting commission, from any cause whatever, fails to complete a proposed charter hereunder, within the time limit hereinbefore specified, such commission shall automatically expire, and, upon

the written request of any ten (10) signers of the original petition for the adoption of a county charter, it shall be the duty of the county judge to reconvene the county convention by giving the written notice specified in Section 3 of this Act. The convention being reassembled, shall proceed to the selection of a charter drafting commission of the number originally fixed, in the same manner as provided for selection of the membership of the defaulting commission. The substitute commission shall proceed in time and manner as provided for the original commission. Further, in such case, the secretary of the defaulting commission shall safely keep all records of the prior commission and deliver the same to the substitute commission, or its secretary. This procedure to remedy default of a commission may be exercised as many times as may be necessary to procure the submission of a charter to the electorate.

(f) When a proposed charter has been completed and certified, the drafting commission, within ten (10) days, shall cause the same to be published in full, in the manner provided in Section 3 of this Act. Said publication further shall provide for five (5) or more public hearings before the commission, the first of which must be not less than fourteen (14) days nor more than twenty (20) days after the first publication of the notice. The time and place of each proposed hearing shall be stated in the notice, and all of the same must be held within thirty (30) days after the date of the first hearing. At such hearing all qualified resident electors of the county may appear and be heard to express their views in an orderly manner, within Robert's Rules of Order, and such other reasonable limitations as the commission may adopt for the timely, efficient, and orderly disposition of business. When said public hearings have been concluded, the commission, within ten (10) days, shall make such revision of the proposed charter as by them may be deemed for the betterment thereof.

Sec. 12. Within five (5) days after a proposed county charter finally has been approved for submission to the qualified electors of the county, it shall be the duty of the charter drafting commission to prepare its report announcing the conclusion of its labors and to make requisition for the holding of a charter election hereunder,

which shall be addressed to the commissioners court of the county and filed with said court within said five (5) days. Such report and requisition, in form, shall be substantially as follows:

"To the Honorable Commissioners
Court ofCounty,
Texas:

"We present herewith two (2) true and certified multiples of a proposed charter to provide for the government of this county, as provided for by Section 3, of Article IX, of the Constitution of Texas. We also transmit to you the journals of proceedings of the county convention and of this charter drafting commission. By law, you are required to safely keep said proposed charter and said journals as permanent records, in the archives of the county, where they at all reasonable times shall be open to inspection by the public.

"We hereby request that, and under the provisions of an Act of the Legislature of Texas to provide proceedings for adopting home rule charters for counties, it now is required that, you by order (to be entered of record in your minutes, to which one copy of the proposed charter shall be attached as an exhibit, and as part thereof) will call an election submitting said proposed charter to a vote of the qualified resident electors of this county for adoption or rejection, as their votes may determine, under the provisions of said Section 3, of Article IX, of the Constitution.

"This we pray you to do in time, manner, form, and after due execution of all appropriate formalities required by the applicable law.

"Executed in....., Texas, on this, the.....day of.....A. D. 19...., by the undersigned, who constitute a majority, or more, in number of the charter drafting commission of this county."

Substantial conformity to the foregoing form shall be deemed sufficient, and the same may be amended, as a matter of right, to cure any substantive defect therein.

Sec. 13. (a) In compliance with the notice and request provided for by Section 12 hereof, an appropriate order shall be entered by the court at a time within ten (10) days after said request is delivered to the court.

Upon delivery of such request, the clerk of the court shall endorse on the presented proposed charter and accompanying request the day and hour of the receipt of the same.

(b) By said order the court shall call an election, in which no other question may be submitted to the electors. Said election shall be held at a time not less than thirty (30) days nor more than forty (40) days after the entry of the court's order therefor.

(c) Publication of notice of said election, the holding thereof, the canvass of the returns and the declaration of the results thereof (save in those things peculiarly appropriate to the object of the election, and which peculiar matters are specifically provided for herein), shall be had, done, and performed in accordance with the then effective provisions of law regulating the holding of general elections in the State of Texas. Those additional things required and deemed peculiarly appropriate to such election are as follows, viz:

1. There shall be printed as many copies of the proposed charter as there were voters in the last preceding general election in the county, plus twenty-five per centum (25%) thereof, which copies on or before the second day succeeding the first publication of the notice of the election, shall be placed, for distribution, on request, to qualified voters of the county, at each polling place designated in the notice of election.

2. The notice of the election shall contain a full copy of the proposed charter and to include alternate and elective provisions, if any such have been submitted to the electorate, which distinct and alternate provisions shall be printed in the order given them in the proposed charter.

3. Ballots at least equal to one and one-half times the vote cast in the last general election in the county shall be provided for the charter election. Distribution thereof to voting precincts changed or created later than the last general election held in the county shall be according to an estimate of the vote to be cast therein at the charter election. To each of these precincts remaining as at the last general election there shall be distribution of ballots approximately equal to one and one-half times the votes cast therein at

the last general election. After the day upon which a petition for submitting a proposal to adopt a county home rule charter, or to amend the same, is started in circulation (the commissioners court being advised thereof by writing filed with its clerk), no county voting precinct may be redefined, consolidated, or created, until a time subsequent to the election called for by the petition so filed.

4. There shall be printed on said ballots, exclusive of all other things, the following, viz:

"County Home Rule Charter Ballot

For Adoption of Charter

or

Against Adoption of Charter"

Next there shall be printed in full thereon elective alternate charter provisions which may have been submitted for determination by the electors; and, in case any such elective charter provisions have been submitted, the same shall be printed in full on the ballot, in the forward progressive order in which they appear in the proposed charter. Indication of the will of the voter shall be by crossing out those propositions or provisions which are not favored. In case a voter crosses out both of two related alternate provisions, or if the voter fails to cross out one of two related alternate charter provisions, the vote to adopt or reject the charter shall nevertheless be counted on that issue.

5. No proposal to consolidate or merge the government of a governmental agency, or entity, or any division or function thereof, with the government of the county for administration thereby, shall be voted on at an election held for the original adoption of a charter hereunder. However, it is provided that any such charter may contain provision whereby such consolidations may be submitted to the voters of the county.

Sec. 14. The canvassing of the returns and the declaring of the result of the election shall be by the commissioners court of the county and the charter drafting commission jointly, sitting as a board for such purpose, and the result as declared shall be spread on the minutes of the com-

missioners court. Contest of an election held hereunder may judicially be determined as is, or may be, provided by the laws of Texas relating to contest of general elections, subject to these conditions, viz.:

(a) Written notice of such contest must be filed with the commissioners court and with the clerk of the county charter commission within ten (10) days after the declaration of the result.

(b) In case of such notice, within five (5) days the members of the commissioners court and the charter drafting commission shall reassemble as a joint board of review, for the public opening of these ballot boxes as to which the notice of proposed contest has specified exception, examination, and recount of the ballots cast in each such voting precinct, revision, if any be required, in the tally sheets from the respective precincts in which error in the tally or returns, or illegal voting, may have been specified in the notice of proposed contest. Matters not specified in such notice of contest may not be inquired into by the board, nor later reviewed by a court. The board may hear evidence, subpoena witnesses, and enforce their attendance by attachment to be issued by the clerk of any court of record on request of the board, and administer oaths to witnesses. The hearing shall be concluded as speedily as may be consistent with the object of the hearing. Having concluded the taking of evidence, the board publicly shall revise or reaffirm the tally to conform to their findings of the truth, and enter of record in the minutes of the commissioners court their declaration of the result of the election. Thereupon the ballots shall be appropriately resealed in the boxes from which they were taken and preserved as required by the general applicable law. A certified copy of the findings of the joint board of review must be received in evidence in any judicial proceeding contesting an election held hereunder, and shall constitute prima facie proof of the correctness of the declaration of the result of the election, as recorded by the joint board of review.

(c) The time consumed in re-examination of the returns by the joint

board of review, as herein provided for, shall not be computed in determining the time within which a petition initiating an election contest in a court of appropriate jurisdiction must be filed: Such time shall be computed from the day on which the joint board of review announce their decision.

(d) Upon performance of the duties hereinbefore prescribed for the charter drafting commission, without other or further act, it shall be dissolved, subject only to its right to designate one of its members, to be a special fiscal agent, with the duty to terminate all pecuniary business matters which have been incident to the performance of the duties of the commission, to procure payment of all outstanding lawful accounts created by the commission, in the manner provided in Subdivision b of Section 11 of this Act.

Sec. 15. If the election results in a constitutional majority of the votes cast in the election being for the charter, the same shall be declared to be adopted and to be in effect after such procedures, at such time and under such conditions, as may be provided for in the adopted charter. If the proposal to adopt a charter be defeated in any such election, no other proposal for the adoption of a charter for the county hereunder may be initiated at a time less than twelve (12) months next succeeding the day of the defeat of the prior proposal. However, in case a charter adopted for a given county does not provide a time limitation (which may not exceed two (2) years) for a time at which such charter may be amended, any home rule charter adopted hereunder may be amended at any time.

Sec. 16. In case there be adoption of a county home rule charter providing for an administrative body styled other than as "commissioners court" and, or, "county judge" (as a member of the court), and thereafter there be occasion to proceed for the amendment of such charter, the quoted designations, as they appear in this Act shall be held to conform to the appropriately related designations as contained in the charter.

Sec. 17. In case there be not available to a given county funds to liquidate the expenses incurred because of

the exercise of power under this Act, the proponents of a proposed charter may, in writing filed with the court, designate a fiscal agent through whom the proponents may pay all such lawful and proper expenses as may accrue, preserving proper vouchers therefor. Upon presentation of the itemized verified account of such expenses, accompanied by the appropriate vouchers, the commissioners court may approve or disapprove the same, or approve the part thereof found to be proper, and on such approval the court shall pay the same to the designated fiscal agent, or his successor, as soon as money lawfully may be applied thereto, and any other law to the contrary shall be without effect: The county shall have no responsibility for the restitution of such money by the fiscal agent to the several contributing proponents, as their several interests may be.

Sec. 18. Nothing in this Act contained is intended to deny to the counties of Texas any right or power which in the absence of this Act might lawfully be enjoyed and exercised under the provisions of said Section 3, of Article IX, of the Constitution: On the contrary, all such rights and powers hereby are expressly recognized.

Sec. 19. Nothing in this Act contained shall be construed to authorize county charter provisions which would impair the operation of the general laws of the State relating to the judicial, tax, fiscal, educational, police, highway, and health systems of the State, or any department of the State's superior Government; and, no charter provision having such vice may have effect as against the State.

Sec. 20. If any provision, section, part, subsection, sentence, clause, phrase, or paragraph of this Act be declared invalid or unconstitutional, the same shall not affect any other portion or provision hereof, and all other provisions shall remain valid and unaffected by any invalid provision, if any.

Sec. 21. The importance of this legislation and the approaching end of the Regular Session of the Legislature create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby sus-

pending, and this Act shall be in full force from and after its passage, and it is so enacted.

Respectfully submitted,

RAWLINGS,
REGAN,
STONE,
SANDERFORD,
DUGGAN,

On the part of the Senate;

SHANNON,
FORD,
MOFFETT,
BOURNE,
MORSE,

On the part of the House.

On motion of Mr. Morse, the report was adopted.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 923

Mr. Pope submitted the following conference committee report on House Bill No. 923:

Committee Room,
Austin, Texas, May 26, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two Houses in respect to House Bill No. 923, have duly adjusted the differences between the two Houses, and beg to report the bill back to the respective Houses with the recommendation that the bill be adopted as amended by the Senate in lieu of the bill as finally passed by the House, with the following amendments, to wit:

"That the said Senate amendment to House Bill No. 923 be amended, as follows:

"1. By adding after the words 'boat house,' in the second sentence of Section 1, the following: 'and dams and dykes and spillways with roads and bridges thereon or thereover for the purpose of creating a fresh-water supply for domestic, irrigation, and other purposes within such navigation district, or within the county or counties adjacent to such fresh water basin.'"

"2. By adding, after the word "such," in the fourth line, in Section 4, the following: "dams, dykes, and spillways, with roads and bridges thereon or thereover."

"3. By adding, after the word "such," in the fourth line, in Section 5, the following: "dams, dykes, and spillways, with roads and bridges thereon and thereover."

"4. That the caption of House Bill No. 923, as amended by the Senate, be amended as follows: By adding, after the word "within," at the beginning of line 28, of said caption, the following words, to wit: "and without."

"5. That the caption of House Bill No. 923, as amended by the Senate, be amended as follows: By adding, after the word "thereon," in line 24 of said Senate amendment, the following words, to wit: "and to build dams, dykes, and spillways, with roads and bridges thereon and thereover.""

Respectfully submitted,

WOODWARD,
PARR,
REGAN,
WOODUL,
MARTIN,

On the part of the Senate;

POPE,
LOTIEF,
MORSE,
HEAD,
COLSON,

On the part of the House.

On motion of Mr. Pope the report was adopted by the following vote:

Yeas—104

Aikin.	Colson.
Alexander.	Coombes.
Alsup.	Cowley.
Anderson	Crossley.
of Bexar.	Daniel.
Anderson	Dean.
of Johnson.	Dunlap.
Baker.	Dunagan.
Barrett.	Dwyer.
Bedford.	Engelhard.
Bourne.	Fain.
Bradley.	Few.
Burns.	Ford.
Camp.	Fuchs.
Canon.	Glass.
Cathey.	Golson.
Caven.	Greathouse.
Clayton.	Haag.

Hankamer.	Nicholson.
Harris.	Parkhouse.
Head.	Pavlica.
Hester.	Pope.
Hicks.	Puryear.
Hill of Brazoria.	Ramsey.
Hodges.	Ratliff.
Holland.	Ray.
Huddleston.	Reed of Bowie.
Hughes.	Reed of Dallas.
Hyder.	Renfro.
Jackson.	Riddle.
James.	Rogers of Hunt.
Johnson	Rogers
of Anderson.	of Ochiltree.
Jones of Atascosa.	Rollins.
Jones of Shelby.	Ross.
Kayton.	Russell.
Kyle of Hays.	Savage.
Kyle of Palo Pinto.	Shannon.
Laird.	Smith.
Latham.	Stanfield.
Long.	Steward.
Lotief.	Stinson.
Mackay.	Stovall.
McClain.	Tarwater.
McCullough.	Tennyson.
McGregor.	Thomas.
Merritt.	Tillery.
Metcalfe.	Turlington.
Mitcham.	Van Zandt.
Moffett.	Walker.
Moore.	Weinert.
Morrison.	Wells.
Morse.	Winningham.
Munson.	Young.

Present—Not Voting

McKee.

Absent

Adamson.	Holloway.
Barron.	Hoskins.
Beck.	Hunt.
Butler.	Jefferson.
Calvert.	Jones of Runnels.
Celaya.	Leonard.
Chastain.	Lindsey.
Davidson.	Magee.
Devall.	Palmer.
Duvall.	Patterson.
Good.	Roberts.
Goodman.	Scarborough.
Graves.	Scott.
Griffith.	Sullivan.
Harman.	Townsend.
Harrison.	Vaughan.
Hartzog.	Wagstaff.
Holekamp.	Wood.

Absent—Excused

Fisher.	Lemens.
Hill of Webb.	Mathis.
Johnson	McDougald.
of Dimmit.	Reader.
	Shulta.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 26, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted conference committee report on House Bill No. 923 by the following vote: Yeas, 24; nays, 2.

The Senate has passed

S. B. No. 283, A bill to be entitled "An Act to amend Sections 2 and 3-a of an Act passed by the Legislature of Texas February 26, 1929, House Bill No. 153, relating to title insurance business and the capital stock of corporations doing such business, and to prohibit such corporations guaranteeing mortgages, and declaring an emergency."

H. B. No. 919, A bill to be entitled "An Act making appropriations to pay miscellaneous claims, and authorizing payment of said miscellaneous claims, on taking effect of this Act; and declaring an emergency." (With amendments.)

The Senate has adopted

S. C. R. No. 80, Authorizing the Highway Department to furnish to the Department of Agriculture certain tools and equipment to be used in the Co-operative Dam Building program.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 283, to the Committee on Insurance.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 47

The Speaker announced the appointment of the following conference committee on House Bill No. 47: Messrs. Moore, Jones of Atascosa, Walker, Ford, and Morse.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 542, "An Act providing for the formation of a county-wide common school district in Kinney County on majority vote of the qualified votes of said County; for the abolition of existing school districts therein; for the election of trustees of said county-wide district; authorizing the levy, assessment, and collection of taxes, and elections therefor; prescribing powers and duties of such trustees; enacting other incidental provisions; and declaring an emergency."

S. B. No. 566, "An Act to amend Sections 1, 2, and 6, Chapter 148, of the General Laws, passed by the Forty-second Legislature at its Regular Session in 1931, relating to the authority of counties and incorporated cities and the Texas State Parks Board, separately, or in co-operation with each other, to acquire by gift or purchase, land for public parks; providing that lands to be acquired by any such city to be used for public parks and playgrounds, may be situated within or without its corporate limits, in the discretion of the governing body thereof, but within the county in which such city is situated; authorizing the issuance of bonds by any such city for park purposes; adding to said Chapter 148, a new Section, to be called Section 2-a, legalizing, approving, and validating bonds voted by any city or town for the purpose of purchasing and improving lands for a public park in and for said city or town, and the levy of the tax in payment of such bonds under authority of Chapter 148, of the General Laws, passed at the Regular Session of the Forty-second Legislature; and which bonds have been approved by the Attorney General and registered by the Comptroller; etc."

S. B. No. 203, "An Act to amend Chapter 40, Acts of the Second Called Session of Forty-second Legislature, and Chapter 271, Acts of Regular Session of Forty-second Legislature, as amended by said Chapter 40, Acts

of Second Called Session of Forty-second Legislature, and declaring an emergency."

S. C. R. No. 78, Authorizing certain corrections in Senate Bill No. 203.

H. C. R. No. 103, Authorizing certain corrections in House Bill No. 911.

SENATE BILL NO. 568 ON SECOND READING

Mr. Puryear moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 568 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100

Adamson.	Huddleston.
Aikin.	Hughes.
Alexander.	Hyder.
Alsup.	Jackson.
Anderson	James.
of Bexar.	Johnson
Baker.	of Anderson.
Barrett.	Jones of Shelby.
Bedford.	Kyle of Palo Pinto.
Bourne.	Laird.
Bradley.	Latham.
Burns.	Long.
Canon.	Lotief.
Cathey.	Mackay.
Caven.	Magee.
Celaya.	McClain.
Chastain.	McGregor.
Clayton.	McKee.
Colson.	Merritt.
Coombes.	Metcalf.
Cowley.	Mitcham.
Daniel.	Moffett.
Dean.	Moore.
Dunagan.	Morrison.
Dwyer.	Morse.
Fain.	Munson.
Ford.	Nicholson.
Fuchs.	Parkhouse.
Glass.	Patterson.
Golson.	Pavlica.
Greathouse.	Pope.
Griffith.	Ramsey.
Haag.	Ratliff.
Hankamer.	Ray.
Harman.	Reed of Bowie.
Harris.	Reed of Dallas.
Head.	Renfro.
Hester.	Riddle.
Hicks.	Rogers of Hunt.
Hill of Brazoria.	Rollins.
Hodges.	Ross.
Holland.	Russell.

Savage.	Tennyson.
Scarborough.	Thomas.
Scott.	Turlington.
Shannon.	Van Zandt.
Smith.	Vaughan.
Stanfield.	Walker.
Steward.	Wells.
Stinson.	Winningham.
Stovall.	Young.

Nays—1

Tillery.

Absent

Anderson	Hunt.
of Johnson.	Jefferson.
Barron.	Jones of Atascosa.
Beck.	Jones of Runnels.
Butler.	Kayton.
Calvert.	Kyle of Hays.
Crossley.	Leonard.
Davidson.	Lindsey.
Devall.	McCullough.
Dunlap.	Palmer.
Duvall.	Puryear.
Engelhard.	Roberts.
Few.	Rogers
Good	of Ochiltree.
Goodman.	Sullivant.
Graves.	Tarwater.
Harrison.	Townsend.
Hartzog.	Wagstaff.
Holekamp.	Weinert.
Holloway.	Wood.
Hoskins.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

On motion of Mr. Puryear, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 568, A bill to be entitled "An Act amending Subdivision 31, of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended by Chapter 6, Acts of the Regular Session of the Forty-first Legislature; providing for changing and prescribing times of holding court in the Thirty-first Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances, and making them returnable to the terms of court in the several counties in said District as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act;

enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith; and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to third reading.

SENATE BILL NO. 568 ON THIRD READING

The Speaker then laid Senate Bill No. 568 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—102

Adamson.	James.
Aikin.	Johnson
Alexander.	of Anderson.
Alsup.	Jones of Atascosa.
Anderson	Jones of Shelby.
of Bexar.	Kyle of Hays.
Anderson	Kyle of Palo Pinto.
of Johnson.	Laird.
Baker.	Latham.
Barrett.	Long.
Bedford.	Lotief.
Bourne.	Mackay.
Bradley.	Magee.
Burns.	McClain.
Camp.	McCullough.
Canon.	McGregor.
Cathey.	McKee.
Caven.	Merritt.
Celaya.	Metcalf.
Chastain.	Mitcham.
Clayton.	Moffett.
Colson.	Moore.
Coombes.	Morrison.
Cowley.	Morse.
Crossley.	Munson.
Daniel.	Parkhouse.
Dean.	Patterson.
Dunagan.	Pavlica.
Fain.	Pope.
Ford.	Puryear.
Fuchs.	Ramsey.
Glass.	Ratliff.
Golson.	Reed of Bowie.
Greathouse.	Reed of Dallas.
Griffith.	Renfro.
Hankamer.	Riddle.
Harman.	Rogers of Hunt.
Harris.	Rogers
Head.	of Ochiltree.
Hester.	Rollins.
Hicks.	Ross.
Hill of Brazoria.	Russell.
Hodges.	Savage.
Holland.	Scarborough.
Huddleston.	Scott.
Hughes.	Shannon.
Jackson.	Smith.

Stanfield.
Steward.
Stinson.
Tarwater.
Tennyson.
Thomas.

Tillery.
Turlington.
Van Zandt.
Vaughan.
Walker.
Winningham.

Absent

Barron.	Hunt.
Beck.	Hyder.
Butler.	Jefferson.
Calvert.	Jones of Runnels.
Davidson.	Kayton.
Devall.	Leonard.
Dunlap.	Lindsey.
Duvall.	Nicholson.
Dwyer.	Palmer.
Engelhard.	Ray.
Few.	Roberts.
Good.	Stovall.
Goodman.	Sullivant.
Graves.	Townsend.
Haag.	Wagstaff.
Harrison.	Weinert.
Hartzog.	Wells.
Holekamp.	Wood.
Holloway.	Young.
Hoskins.	

Absent—Excused

Fisher.	Lemens.
Hill of Webb.	Mathis.
Johnson	McDougald.
of Dimmit.	Reader.
	Shults.

SENATE BILL NO. 485 ON SECOND READING

On motion of Mr. Merritt, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 485, A bill to be entitled "An Act to authorize any county in this State, whose population, according to the last preceding United States Census, did not exceed fifteen thousand, having at the time of the passage of this Act, any claim for money against any person, partnership, corporation, joint stock or other association, and whose claim shall amount to at least fifty per cent of all the claims against such debtor, to purchase the property of such debtor or debtors, at any sale made within two years from the date this Act shall become effective under any proceedings in bankruptcy, receivership, or in any other judicial proceedings whatever, whenever the commissioners court of said county shall be of the opinion that it is

necessary or advisable so to do to protect the interest of the county, for such price as the commissioners court may deem advisable for the best interests of the county, and to have such property by said trustee in bankruptcy, receiver, or other judicial officer conveyed and transferred to the county; etc.; and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to third reading.

SENATE BILL NO. 485 ON THIRD READING

Mr. Merritt moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 485 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

Adamson.	Harris.
Aikin.	Head.
Alexander.	Hester.
Alsup.	Hicks.
Anderson	Hill of Brazoria.
of Bexar.	Hodges.
Anderson	Holland.
of Johnson.	Huddleston.
Baker.	Hughes.
Barrett.	Jackson.
Bedford.	Johnson
Bourne.	of Anderson.
Bradley.	Jones of Atascosa.
Burns.	Jones of Shelby.
Canon.	Kyle of Hays.
Cathey.	Kyle of Palo Pinto.
Caven.	Laird.
Celaya.	Latham.
Chastain.	Long.
Clayton.	Lotief.
Colson.	Mackay.
Coombes.	Magee.
Cowley.	McClain.
Crossley.	McCullough.
Daniel.	McKee.
Dean.	Merritt.
Dunagan.	Metcalfe.
Dwyer.	Mitcham.
Engelhard.	Moffett.
Fain.	Moore.
Few.	Morrison.
Ford.	Munson.
Fuchs.	Nicholson.
Glass.	Palmer.
Goodman.	Parkhouse.
Greathouse.	Patterson.
Haag.	Pavlica.
Hankamer.	Pope.
Harman.	Puryear.

Ramsey.	Shannon.
Ratliff.	Smith.
Ray.	Stanfield.
Reed of Bowie.	Steward.
Reed of Dallas.	Stovall.
Renfro.	Tennyson.
Rogers of Hunt.	Thomas.
Rogers	Tillery.
of Ochiltree.	Turlington.
Rollins.	Van Zandt.
Ross.	Vaughan.
Russell.	Walker.
Savage.	Wells.
Scarborough.	Winningham.

Absent

Barron.	James.
Beck.	Jefferson.
Butler.	Jones of Runnels.
Calvert.	Kayton.
Davidson.	Leonard.
Devall.	Lindsey.
Dunlap.	McGregor.
Duvall.	Morse.
Golson.	Riddle.
Good.	Roberts.
Graves.	Scott.
Griffith.	Stinson.
Harrison.	Sullivant.
Hartzog.	Tarwater.
Holekamp.	Townsend.
Holloway.	Wagstaff.
Hoskins.	Weinert.
Hunt.	Wood.
Hyder.	Young.

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

The Speaker then laid Senate Bill No. 485 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—102

Adamson.	Celaya.
Aikin.	Chastain.
Alexander.	Clayton.
Alsup.	Cowley.
Anderson	Crossley.
of Bexar.	Daniel.
Baker.	Dean.
Barrett.	Dunagan.
Bedford.	Duvall.
Bourne.	Dwyer.
Bradley.	Engelhard.
Burns.	Fain.
Canon.	Few.
Cathey.	Ford.
Caven.	Glass.

Golson.	Morrison.
Goodman.	Morse.
Greathouse.	Munson.
Haag.	Nicholson.
Hankamer.	Parkhouse.
Harman.	Patterson.
Head.	Pavlica.
Hicks.	Pope.
Hill of Brazoria.	Puryear.
Hodges.	Ramsey.
Holland.	Ratliff.
Huddleston.	Ray.
Hughes.	Reed of Bowie.
Hyder.	Reed of Dallas.
Jackson.	Renfro.
James.	Riddle.
Johnson	Rogers
of Anderson.	of Ochiltree.
Jones of Atascosa.	Rollins.
Jones of Runnels.	Ross.
Jones of Shelby.	Russell.
Kyle of Hays.	Savage.
Kyle of Palo Pinto.	Scarborough.
Laird.	Shannon.
Latham.	Smith.
Lindsey.	Stanfield.
Long.	Steward.
Lotief.	Stovall.
Mackay.	Tennyson.
Magee.	Thomas.
McClain.	Tillery.
McGregor.	Turlington.
McKee.	Van Zandt.
Merritt.	Vaughan.
Metcalfe.	Walker.
Mitcham.	Wells.
Moffett.	Winningham.
Moore.	

Absent

Anderson	Holloway.
of Johnson.	Hoskins.
Barron.	Hunt.
Beck.	Jefferson.
Butler.	Kayton.
Calvert.	Leonard.
Colson.	McCullough.
Coombes.	Palmer.
Davidson.	Roberts.
Devall.	Rogers of Hunt.
Dunlap.	Scott.
Fuchs.	Stinson.
Good.	Sullivant.
Graves.	Tarwater.
Griffith.	Townsend.
Harris.	Wagstaff.
Harrison.	Weinert.
Hartzog.	Wood.
Hester.	Young.
Holekamp.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

HOUSE BILL NO. 919 WITH SEN-
ATE AMENDMENTS

Mr. Engelhard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 919, A bill to be entitled "An Act making appropriations to pay miscellaneous claims, and authorizing payment of said miscellaneous claims, on taking effect of this Act; and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Engelhard moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action the Speaker announced the appointment of the following committee: Messrs. Engelhard, McGregor, Alexander, McClain, and Dunagan.

SENATE BILL NO. 539 ON SECOND
READING

Mr. Burns moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 539 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

Adamson.	Few.
Aikin.	Ford.
Alexander.	Fuchs.
Anderson	Glass.
of Bexar.	Golson.
Anderson	Good.
of Johnson.	Goodman.
Baker.	Graves.
Barrett.	Greathouse.
Bourne.	Griffith.
Bradley.	Hankamer.
Burns.	Harman.
Canon.	Harris.
Cathey.	Hartzog.
Caven.	Head.
Chastain.	Hester.
Clayton.	Hicks.
Colson.	Hodges.
Cowley.	Holland.
Daniel.	Holloway.
Dean.	Hoskins.
Dwyer.	Hughes.
Fain.	Hunt.

Jackson.	Ray.
James.	Reed of Bowie.
Johnson	Reed of Dallas.
of Anderson.	Riddle.
Jones of Atascosa.	Roberts.
Jones of Runnels.	Rogers of Hunt.
Kayton.	Rogers
Latham.	of Ochiltree.
Leonard.	Rollins.
Lindsey.	Ross.
Long.	Russell.
Lotief.	Savage.
Mackay.	Scarborough.
McCullough.	Shannon.
McGregor.	Smith.
McKee.	Stanfield.
Merritt.	Steward.
Metcalfe.	Stinson.
Mitcham.	Stovall.
Moffett.	Tarwater.
Moore.	Tennyson.
Morse.	Thomas.
Munson.	Tillery.
Nicholson.	Turlington.
Parkhouse.	Van Zandt.
Patterson.	Vaughan.
Pavlica.	Walker.
Puryear.	Weinert.
Ramsey.	Winningham.
Ratliff.	Wood.

Nays—1

Crossley.

Absent

Alsup.	Hyder.
Barron.	Jefferson.
Beck.	Jones of Shelby.
Bedford.	Kyle of Hays.
Butler.	Kyle of Palo Pinto.
Calvert.	Laird.
Celaya.	Magee.
Coombes.	McClain.
Davidson.	Morrison.
Devall.	Palmer.
Dunlap.	Pope.
Dunagan.	Renfro.
Duvall.	Scott.
Engelhard.	Sullivant.
Haag.	Townsend.
Harrison.	Wagstaff.
Hill of Brazoria.	Wells.
Holekamp.	Young.
Huddleston.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

On motion of Mr. Ramsey, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 539, A bill to be entitled "An Act providing that the Texas Prison Board shall have the power to insure the officers and employes of the Texas Prison System, etc."

The Speaker laid the bill before the House; it was read second time, and was passed to third reading.

SENATE BILL NO. 539 ON THIRD READING

The Speaker then laid Senate Bill No. 539 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—77

Adamson.	Latham.
Aikin.	Long.
Alsup.	Mackay.
Anderson	Magee.
of Bexar.	McClain.
Baker.	McGregor.
Bourne.	Merritt.
Bradley.	Mitcham.
Burns.	Moffett.
Canon.	Moore.
Caven.	Morrison.
Celaya.	Morse.
Chastain.	Munson.
Colson.	Nicholson.
Cowley.	Patterson.
Daniel.	Puryear.
Dunagan.	Ramsey.
Dwyer.	Reed of Dallas.
Engelhard.	Renfro.
Few.	Riddle.
Ford.	Rogers of Hunt.
Fuchs.	Ross.
Glass.	Russell.
Golson.	Savage.
Goodman.	Scott.
Griffith.	Shannon.
Hartzog.	Stanfield.
Head.	Steward.
Holekamp.	Stovall.
Holland.	Tarwater.
Holloway.	Tennyson.
Hughes.	Thomas.
Hyder.	Turlington.
Jackson.	Van Zandt.
Johnson	Walker.
of Anderson.	Wells.
Jones of Atascosa.	Winningham.
Jones of Runnels.	Wood.
Kyle of Palo Pinto.	Young.
Laird.	

Nays—25

Alexander.	Greathouse.
Coombes.	Hankamer.
Crossley.	Harris.
Fain.	Hoskins.
Good.	Huddleston.

Kayton.	Reed of Bowie.
Lindsey.	Roberts.
Lotief.	Rogers.
McCullough.	of Ochiltree.
McKee.	Rollins.
Metcalfe.	Smith.
Ratliff.	Stinson.
Ray.	Vaughan.

Absent

Anderson	Hicks.
of Johnson.	Hill of Brazoria.
Barrett.	Hodges.
Barron.	Hunt.
Beck.	James.
Bedford.	Jefferson.
Butler.	Jones of Shelby.
Calvert.	Kyle of Hays.
Cathey.	Leonard.
Clayton.	Palmer.
Davidson.	Parkhouse.
Dean.	Pavlica.
Devall.	Pope.
Dunlap.	Scarborough.
Duvall.	Sullivant.
Graves.	Tillery.
Haag.	Townsend.
Harman.	Wagstaff.
Harrison.	Weinert.
Hester.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

SENATE BILL NO. 273 ON SECOND READING

On motion of Mr. Magee, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 273, A bill to be entitled "An Act authorizing the District Attorney of the Seventh Judicial District to appoint an assistant district attorney; prescribing the time for which he shall be appointed; prescribing his duties, and providing for payment of salary, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Coombes moved that the bill be laid on the table.

The motion prevailed.

SENATE BILL NO. 180 ON SECOND READING

On motion of Mr. McDougald, the regular order of business was sus-

pended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 180, A bill to be entitled "An Act giving county courts acting in probate matters authority to authorize guardians of estates of minors to partition real estate in which the minor's estate has an interest in common with other part owner, or owners, and providing the procedure for granting such authority by requiring the guardian to file an application describing the land to be partitioned, and the terms of contract for such partition, and that it is to the best interest of the minor's estate that the land be divided as provided in the agreement, and providing that the applications shall be filed and called to the attention of the judge, which application shall be set down for hearing, such hearing to be at least five days after the filing of such application, and providing for an order if the judge is satisfied the partition is to the best interest of the estate; etc."

The Speaker laid the bill before the House; it was read second time, and was passed to third reading.

SENATE BILL NO. 180 ON THIRD READING

Mr. Van Zandt moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 180 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107

Adamson.	Dunlap.
Aikin.	Dunagan.
Alexander.	Engelhard.
Alsup.	Fain.
Baker.	Few.
Barrett.	Ford.
Bedford.	Fuchs.
Bourne.	Glass.
Bradley.	Golson.
Burns.	Good.
Canon.	Goodman.
Cathey.	Greathouse.
Celaya.	Griffith.
Chastain.	Hankamer.
Clayton.	Harman.
Coombes.	Harris.
Cowley.	Harrison.
Crossley.	Hartzog.
Daniel.	Head.
Dean.	Hester.

Hicks.	Pavlica.
Hodges.	Pope.
Holekamp.	Puryear.
Holloway.	Ramsey.
Hoskins.	Ratliff.
Huddleston.	Ray.
Hughes.	Reed of Bowie.
Hyder.	Reed of Dallas.
Jackson.	Renfro.
Johnson	Roberts.
of Anderson.	Rogers of Hunt.
Jones of Atascosa.	Rogers
Jones of Runnels.	of Ochiltree.
Jones of Shelby.	Rollins.
Kayton.	Ross.
Kyle of Hays.	Russell.
Kyle of Palo Pinto.	Savage.
Latham.	Scarborough.
Lindsey.	Shannon.
Long.	Smith.
Mackay.	Steward.
McClain.	Stinson.
McCullough.	Stovall.
McGregor.	Tarwater.
McKee.	Tennyson.
Merritt.	Thomas.
Mitcham.	Tillery.
Moffett.	Turlington.
Moore.	Van Zandt.
Morrison.	Vaughan.
Morse.	Walker.
Munson.	Wells.
Nicholson.	Winningham.
Parkhouse.	Wood.
Patterson.	

Present—Not Voting

Lotief.

Absent

Anderson	Holland.
of Bexar.	Hunt.
Anderson	James.
of Johnson.	Jefferson.
Barron.	Laird.
Beck.	Leonard.
Butler.	Magee.
Calvert.	Metcalf.
Caven.	Palmer.
Colson.	Riddle.
Davidson.	Scott.
Devall.	Stanfield.
Duvall.	Sullivan.
Dwyer.	Townsend.
Graves.	Wagstaff.
Haag.	Weinert.
Hill of Brazoria.	Young.

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

The Speaker then laid Senate Bill No. 180 before the House on its third reading and final passage.

The bill was read third time, and was passed.

HOUSE BILL NO. 847 WITH SENATE AMENDMENTS

Mr. Kayton called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 847, A bill to be entitled "An Act making an appropriation of the sum of five thousand, seventy-four dollars and sixteen cents (\$5,074.16), or so much thereof as may be necessary, out of the County and Road District Highway Fund of the State of Texas, to pay the expenses incurred in the administration of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature; and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Kayton, the House concurred in the Senate amendments by the following vote:

Yeas—102

Adamson.	Head.
Aikin.	Hester.
Alsup.	Hicks.
Anderson	Hodges.
of Bexar.	Holekamp.
Barrett.	Holland.
Bourne.	Holloway.
Bradley.	Hoskins.
Burns.	Huddleston.
Canon.	Hughes.
Cathey.	Hyder.
Celaya.	Jackson.
Chastain.	Johnson
Clayton.	of Anderson.
Coombes.	Jones of Runnels.
Cowley.	Jones of Shelby.
Crossley.	Kayton.
Daniel.	Kyle of Hays.
Dean.	Laird.
Engelhard.	Latham.
Fain.	Leonard.
Few.	Lindsey.
Ford.	Long.
Fuchs.	Lotief.
Glass.	Magee.
Golson.	McClain.
Good.	McCullough.
Greathouse.	McGregor.
Griffith.	Merritt.
Harman.	Metcalf.
Harris.	Mitcham.
Harrison.	Moffett.
Hartzog.	Moore.

Morrison.	Savage.
Morse.	Scarborough.
Munson.	Shannon.
Nicholson.	Smith.
Parkhouse.	Stanfield.
Patterson.	Steward.
Pope.	Stinson.
Ramsey.	Tarwater.
Ratliff.	Tennyson.
Ray.	Thomas.
Reed of Bowie.	Townsend.
Reed of Dallas.	Turlington.
Renfro.	Van Zandt.
Roberts.	Vaughan.
Rogers of Hunt.	Walker.
Rogers	Wells.
of Ochiltree.	Winningham.
Rollins.	Wood.
Ross.	Young.
Russell.	

Absent

Alexander.	Hankamer.
Anderson	Hill of Brazoria.
of Johnson.	Hunt.
Baker.	James.
Barron.	Jefferson.
Beck.	Jones of Atascosa.
Bedford.	Kyle of Palo Pinto.
Butler.	Mackay.
Calvert.	McKee.
Caven.	Palmer.
Colson.	Pavlica.
Davidson.	Puryear.
Devall.	Riddle.
Dunlap.	Scott.
Dunagan.	Stovall.
Duvall.	Sullivant.
Dwyer.	Tillery.
Goodman.	Wagstaff.
Graves.	Weinert.
Haag.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

SENATE BILL NO. 543 ON SECOND READING

Mr. Russell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 543 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101

Adamson.	Alsop.
Aikin.	Anderson
Alexander.	of Bexar.

Baker.	Leonard.
Barrett.	Lindsey.
Bedford.	Long.
Bourne.	Lotief.
Bradley.	Mackay.
Burns.	Magee.
Canon.	McClain.
Cathey.	McCullough.
Celaya.	McGregor.
Chastain.	Merritt.
Clayton.	Metcalfe.
Coombes.	Mitcham.
Cowley.	Moffett.
Daniel.	Moore.
Dean.	Morrison.
Dunagan.	Morse.
Engelhard.	Munson.
Fain.	Nicholson.
Few.	Patterson.
Ford.	Pope.
Fuchs.	Ramsey.
Glass.	Ratliff.
Golson.	Ray.
Good.	Reed of Bowie.
Goodman.	Reed of Dallas.
Greathouse.	Renfro.
Griffith.	Roberts.
Hankamer.	Rogers of Hunt.
Harrison.	Rogers
Hartzog.	of Ochiltree.
Hester.	Rollins.
Hicks.	Ross.
Hodges.	Russell.
Holekamp.	Scarborough.
Holloway.	Shannon.
Hoskins.	Stanfield.
Hughes.	Steward.
Hyder.	Stinson.
Jackson.	Stovall.
Johnson	Tarwater.
of Anderson.	Tennyson.
Jones of Atascosa.	Thomas.
Jones of Runnels.	Turlington.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Walker.
Kyle of Palo Pinto.	Wells.
Laird.	Winningham.
Latham.	Wood.

Nays—1

Head.

Absent

Anderson	Dwyer.
of Johnson.	Graves.
Barron.	Haag.
Beck.	Harman.
Butler.	Harris.
Calvert.	Hill of Brazoria.
Caven.	Holland.
Colson.	Huddleston.
Crossley.	Hunt.
Davidson.	James.
Devall.	Jefferson.
Dunlap.	McKee.
Duvall.	Palmer.

Parkhouse.	Sullivant.
Pavlica.	Tillery.
Puryear.	Townsend.
Riddle.	Wagstaff.
Savage.	Weinert.
Scott.	Young.
Smith.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

On motion of Mr. Hoskins, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 543, A bill to be entitled "An Act providing that the Comptroller of Public Accounts shall not issue any warrant for the payment of the Available School Funds, or Rural Aid, or Vocational Educational Funds to or for the benefit of any school district, or city, or town which has assumed the control of its public schools, when the interest and/or principal on any bonds owed by such school district and/or city or town belonging to the Permanent School Fund remain unpaid for a period of two years, and providing that such warrant shall not issue when any such school district and/or city or town prefers the claim of any other bond holder to the claims of the State Permanent School Funds; providing that no default shall be deemed to exist if proper refunding bonds have been approved by the State Board of Education; and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to third reading.

SENATE BILL NO. 543 ON THIRD READING

The Speaker then laid Senate Bill No. 543 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—102

Adamson.	Barrett.
Aikin.	Bourne.
Alsup.	Bradley.
Anderson	Burns.
of Bexar.	Canon.
Baker.	Cathey.

Celaya.	Lindsey.
Chastain.	Long.
Clayton.	Mackay.
Colson.	Magee.
Coombes.	McClain.
Cowley.	McCullough.
Crossley.	McGregor.
Daniel.	Metcalf.
Dean.	Mitcham.
Dunagan.	Moffett.
Engelhard.	Moore.
Fain.	Morrison.
Few.	Nicholson.
Ford.	Patterson.
Fuchs.	Pavlica.
Glass.	Puryear.
Golson.	Ramsey.
Good.	Ray.
Goodman.	Reed of Bowie.
Greathouse.	Reed of Dallas.
Griffith.	Renfro.
Hankamer.	Roberts.
Harman.	Rogers of Hunt.
Harris.	Rogers
Harrison.	of Ochiltree.
Head.	Rollins.
Hester.	Ross.
Hicks.	Russell.
Hodges.	Savage.
Holekamp.	Shannon.
Holloway.	Smith.
Hoskins.	Stanfield.
Huddleston.	Steward.
Hughes.	Stinson.
Hyder.	Tennyson.
Jackson.	Thomas.
Johnson	Tillery.
of Anderson.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Vaughan.
Jones of Shelby.	Wagstaff.
Kayton.	Walker.
Kyle of Hays.	Wells.
Kyle of Palo Pinto.	Winningham.
Laird.	Wood.
Latham.	Young.
Leonard.	

Nays—4

Lotief.	Scarborough.
Ratliff.	Stovall.

Absent

Alexander.	Dwyer.
Anderson	Graves.
of Johnson.	Haag.
Barron.	Hartzog.
Beck.	Hill of Brazoria.
Bedford.	Holland.
Butler.	Hunt.
Calvert.	James.
Caven.	Jefferson.
Davidson.	McKee.
Devall.	Merritt.
Dunlap.	Morse.
Duvall.	Munson.

Palmer.	Sullivan.
Parkhouse.	Tarwater.
Pope.	Townsend.
Riddle.	Weinert.
Scott.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 26, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 77, Transferring \$5,500 from the appropriation for the audit of oil royalties to the State Auditor's Office for general expenses of that Office.

The Senate has passed

S. B. No. 354, A bill to be entitled "An Act amending Title 12, of the Revised Criminal Statutes of Texas of 1925, of the Penal Code, by adding, immediately after Article 698 a new Section, to be known as Article 698-a, said new Section prohibiting the construction or maintenance of cess-pools, ditches, or excavations of any character, used as, or intended for use as, receptacles for impure matter, within incorporated cities, or within a radius of ten miles around any such city; providing that cess-pools, ditches, or excavations less than ten feet deep be excepted; providing a punishment for violation of this Act; and defining who may be punished in case of violation of this Act by partnership, etc.; and declaring an emergency."

S. B. No. 111, A bill to be entitled "An Act amending Article 2270, Chapter 12, of Title 42, of the 1925 Revised Civil Statutes of Texas, relating to the giving of supersedeas bonds, and providing that in lieu thereof the court may permit deposits of money from time to time with the registry of the court sufficient to discharge such judgment, interest, and costs; repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 161, A bill to be entitled "An Act amending Article 8309, of the Revised Civil Statutes of Texas of 1925, by adding a new Section following Section 2 of such Article, to be numbered Section 2-a, of such Article 8309; providing that any employer permitted to become a subscriber, under Title 130 of the Revised Civil Statutes of Texas, who will agree to conform to the rules of the Industrial Accident Board, and who may be of sufficient financial ability to render certain the payment of the damages and compensation provided for in Part I of said title, and who does not desire to insure the payment of such damages and compensation or to indemnify himself against loss sustained by the direct payment thereof, may upon a finding of the existence of such financial standing by the Board of Insurance Commissioners of the State of Texas, elect to pay such damages and compensation direct, and shall be granted a certificate creating him a subscriber under said Title 130, and declaring an emergency."

H. B. No. 847, A bill to be entitled "An Act making an appropriation of the sum of five thousand seventy-four dollars and sixteen cents (\$5,074.16), or so much thereof as may be necessary, out of the County and Road District Highway Fund of the State of Texas, to pay the expenses incurred in the administration of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and declaring an emergency." (With amendments.)

The Senate has adopted conference committee report on House Bill No. 166 by the following vote: Yeas, 26; nays, 2.

Respectfully,
BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 395 ON SECOND READING

On motion of Mr. Few, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 395, A bill to be entitled "An Act amending Article 3118, by adding to it Article 3118-a, providing that the county executive committees of any political party shall require a bond of the county chairman, or of

the secretary, prescribing the conditions and amount thereof; etc."

The Speaker laid the bill before the House, and it was read second time.

Mr. Alsup offered the following amendments to the bill:

(1)

Amend Senate Bill No. 395, page 3, line 11, by striking out the words "if a general election, or to the State chairman, if a primary election."

(2)

Amend Senate Bill No. 395, page 7, line 26, by striking out the word "on," and inserting in lieu thereof the following: "not later than."

The amendments were severally adopted.

Mr. Alsup offered the following amendment to the bill:

Amend Senate Bill No. 395, page 7, Section 14, line 13, by inserting after the word "any" the following: "general, special, or."

The amendment was adopted.

Senate Bill No. 395 was then passed to third reading.

SENATE BILL NO. 395 ON THIRD READING

Mr. Alsup moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 395 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100

Adamson.	Dunlap.
Aikin.	Dunagan.
Anderson	Engelhard.
of Bexar.	Fain.
Baker.	Few.
Barrett.	Ford.
Bourne.	Fuchs.
Bradley.	Glass.
Burns.	Golson.
Canon.	Good.
Cathey.	Goodman.
Celaya.	Greathouse.
Chastain.	Griffith.
Clayton.	Haag.
Colson.	Hankamer.
Coombes.	Hartzog.
Cowley.	Head.
Crossley.	Hester.
Daniel.	Hicks.
Dean.	Hodges.

Holekamp.	Parkhouse.
Holland.	Patterson.
Hoskins.	Pavlica.
Huddleston.	Ramsey.
Hughes.	Ratliff.
Hyder.	Ray.
James.	Reed of Dallas.
Johnson	Renfro.
of Anderson.	Roberts.
Jones of Atascosa.	Rogers
Jones of Runnels.	of Ochiltree.
Jones of Shelby.	Rollins.
Kayton.	Ross.
Kyle of Hays.	Russell.
Laird.	Savage.
Latham.	Scarborough.
Leonard.	Shannon.
Long.	Smith.
Lotief.	Stanfield.
Mackay.	Steward.
Magee.	Stovall.
McClain.	Tarwater.
McCullough.	Tennyson.
McGregor.	Tillery.
Metcalfe.	Turlington.
Mitcham.	Van Zandt.
Moffett.	Wagstaff.
Moore.	Walker.
Morrison.	Wells.
Morse.	Winningham.
Munson.	Wood.
Nicholson.	

Nays—5

Lindsey.	Reed of Bowie.
Pope.	Vaughan.
Puryear.	

Absent

Alexander.	Hill of Brazoria.
Alsup.	Holloway.
Anderson	Hunt.
of Johnson.	Jackson.
Barron.	Jefferson.
Beck.	Kyle of Palo Pinto.
Bedford.	McKee.
Butler.	Merritt.
Calvert.	Palmer.
Caven.	Riddle.
Davidson.	Rogers of Hunt.
Devall.	Scott.
Duvall.	Stinson.
Dwyer.	Sullivant.
Graves.	Thomas.
Harman.	Townsend.
Harris.	Weinert.
Harrison.	Young.

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

The Speaker then laid Senate Bill No. 395 before the House on its third reading and final passage.

The bill was read third time.

Senate Bill No. 395 was then passed by the following vote:

Yeas—101

Adamson.	Leonard.
Aikin.	Long.
Alexander.	Lotief.
Alsup.	Mackay.
Anderson	Magee.
of Bexar.	McClain.
Baker.	McCullough.
Barrett.	McGregor.
Bourne.	Metcalf.
Bradley.	Mitcham.
Burns.	Moffett.
Canon.	Moore.
Cathey.	Morrison.
Celaya.	Morse.
Chastain.	Munson.
Clayton.	Nicholson.
Colson.	Palmer.
Coombes.	Pavlica.
Cowley.	Pope.
Crossley.	Ramsey.
Daniel.	Ratliff.
Dean.	Ray.
Dunlap.	Reed of Dallas.
Dunagan.	Renfro.
Engelhard.	Roberts.
Fain.	Rogers of Hunt.
Few.	Rogers
Ford.	of Ochiltree.
Fuchs.	Rollins.
Glass.	Ross.
Good.	Russell.
Greathouse.	Savage.
Griffith.	Scarborough.
Haag.	Shannon.
Hankamer.	Smith.
Head.	Stanfield.
Hester.	Steward.
Hicks.	Stinson.
Holekamp.	Tarwater.
Holland.	Tennyson.
Holloway.	Thomas.
Hoskins.	Tillery.
Huddleston.	Townsend.
Hughes.	Turlington.
Hyder.	Van Zandt.
Jones of Atascosa.	Wagstaff.
Jones of Runnels.	Walker.
Jones of Shelby.	Wells.
Kayton.	Winningham.
Kyle of Hays.	Wood.
Laird.	Young.
Latham.	

Nays—6

Lindsey.	Reed of Bowie.
Patterson.	Stovall.
Puryear.	Vaughan.

Absent

Anderson	Hartzog.
of Johnson.	Hill of Brazoria.
Barron.	Hodges.
Beck.	Hunt.
Bedford.	Jackson.
Butler.	James.
Calvert.	Jefferson.
Caven.	Johnson
Davidson.	of Anderson.
Devall.	Kyle of Palo Pinto.
Duvall.	McKee.
Dwyer.	Merritt.
Golson.	Parkhouse.
Goodman.	Riddle.
Graves.	Scott.
Harman.	Sullivant.
Harris.	Weinert.
Harrison.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

Mr. Van Zandt moved to reconsider the vote by which the bill was passed, and asked to have the motion to reconsider spread on the Journal.

SENATE BILL NO. 118 ON SECOND READING

On motion of Mr. Vaughan, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 118, A bill to be entitled "An Act to amend Article 514, Revised Civil Statutes, as amended by Acts of Forty-first Legislature, First Called Session; and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to third reading.

SENATE BILL NO. 118 ON THIRD READING

Mr. Vaughan moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 118 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100

Aikin.	Anderson
Alexander.	of Bexar.
Alsup.	Baker.

Barrett.	Lotief.
Bourne.	Mackay.
Burns.	Magee.
Canon.	McClain.
Cathey.	McGregor.
Celaya.	Merritt.
Chastain.	Metcalf.
Clayton.	Mitcham.
Colson.	Moffett.
Coombes.	Munson.
Cowley.	Nicholson.
Crossley.	Palmer.
Daniel.	Pavlica.
Dean.	Pope.
Dunlap.	Puryear.
Dunagan.	Ramsey.
Engelhard.	Ratliff.
Fain.	Ray.
Few.	Reed of Bowie.
Ford.	Reed of Dallas.
Fuchs.	Renfro.
Glass.	Roberts.
Good.	Rogers of Hunt.
Goodman.	Rogers
Greathouse.	of Ochiltree.
Griffith.	Rollins.
Haag.	Ross.
Hankamer.	Russell.
Harman.	Scarborough.
Head.	Shannon.
Hicks.	Smith.
Hill of Brazoria.	Stanfield.
Holekamp.	Steward.
Holland.	Stinson.
Holloway.	Stovall.
Huddleston.	Tarwater.
Hughes.	Tennyson.
Johnson	Thomas.
of Anderson.	Tillery.
Jones of Atascosa.	Townsend.
Jones of Runnels.	Turlington.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Laird.	Wells.
Latham.	Wood.
Leonard.	Young.
Long.	

Absent

Adamson.	Harris.
Anderson	Harrison.
of Johnson.	Hartzog.
Barron.	Hester.
Beck.	Hodges.
Bedford.	Hoskins.
Bradley.	Hunt.
Butler.	Hyder.
Calvert.	Jackson.
Caven.	James.
Davidson.	Jefferson.
Devall.	Lindsey.
Duvall.	McCullough.
Dwyer.	McKee.
Golson.	Moore.
Graves.	Morrison.

Morse.	Scott.
Parkhouse.	Sullivant.
Patterson.	Weinert.
Riddle.	Winningham.
Savage.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

The Speaker then laid Senate Bill No. 118 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—107

Adamson.	Johnson
Aikin.	of Anderson.
Alexander.	Jones of Runnels.
Anderson	Jones of Shelby.
of Bexar.	Kayton.
Barrett.	Kyle of Hays.
Bourne.	Kyle of Palo Pinto.
Bradley.	Latham.
Burns.	Leonard.
Canon.	Lindsey.
Cathey.	Long.
Celaya.	Mackay.
Chastain.	Magee.
Clayton.	McClain.
Colson.	McCullough.
Coombes.	McGregor.
Cowley.	Merritt.
Crossley.	Metcalf.
Daniel.	Mitcham.
Dean.	Moffett.
Dunlap.	Moore.
Dunagan.	Morrison.
Engelhard.	Morse.
Fain.	Munson.
Few.	Nicholson.
Ford.	Palmer.
Glass.	Patterson.
Good.	Pavlica.
Goodman.	Pope.
Greathouse.	Puryear.
Griffith.	Ramsey.
Haag.	Ratliff.
Hankamer.	Ray.
Harman.	Reed of Bowie.
Head.	Reed of Dallas.
Hester.	Renfro.
Hicks.	Roberts.
Hill of Brazoria.	Rogers of Hunt.
Hodges.	Rogers
Holekamp.	of Ochiltree.
Holland.	Rollins.
Holloway.	Ross.
Hoskins.	Russell.
Huddleston.	Savage.
Hughes.	Scarborough.
Jackson.	Shannon.

Smith.	Turlington.
Stanfield.	Van Zandt.
Steward.	Vaughan.
Stovall.	Wagstaff.
Tarwater.	Walker.
Tennyson.	Wells.
Thomas.	Winningham.
Tillery.	Wood.
Townsend.	Young.

Absent

Alsup.	Harris.
Anderson	Harrison.
of Johnson.	Hartzog.
Baker.	Hunt.
Barron.	Hyder.
Beck.	James.
Bedford.	Jefferson.
Butler.	Jones of Atascosa.
Calvert.	Laird.
Caven.	Lotief.
Davidson.	McKee.
Devall.	Parkhouse.
Duvall.	Riddle.
Dwyer.	Scott.
Fuchs.	Stinson.
Golson.	Sullivant.
Graves.	Weinert.

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

RELATIVE TO SENATE CONCURRENT RESOLUTION NO. 71

Mr. Goodman called up, for consideration at this time, Senate Concurrent Resolution No. 71, providing for adjournment sine die.

Mr. Puryear raised a point of order on further consideration of the resolution at this time, on the ground that twenty-four-hour notice has not been given in accordance with the Rules of the House that the resolution would be called from the table.

The Speaker sustained the point of order.

Mr. Goodman gave notice that he would, on the next legislative day, move to take up, for consideration at that time, Senate Concurrent Resolution No. 71, which resolution had heretofore been laid on the table subject to call.

MOTION TO TAKE UP SENATE BILL NO. 163

Mr. Aikin moved that the constitutional rule, requiring bills to be read

on three several days, be suspended, and that Senate Bill No. 163 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—69

Aikin.	Kyle of Palo Pinto.
Alexander.	Latham.
Alsup.	Lindsey.
Anderson	Long.
of Bexar.	Lotief.
Bedford.	Mackay.
Bourne.	Magee.
Bradley.	McClain.
Canon.	McGregor.
Cathey.	Merritt.
Celaya.	Mitcham.
Clayton.	Munson.
Colson.	Nicholson.
Cowley.	Pavlica.
Crossley.	Pope.
Fain.	Reed of Bowie.
Few.	Roberts.
Ford.	Rogers
Fuchs.	of Ochiltree.
Glass.	Ross.
Good.	Russell.
Haag.	Savage.
Hankamer.	Shannon.
Harris.	Smith.
Harrison.	Steward.
Hodges.	Stinson.
Holekamp.	Stovall.
Holland.	Tarwater.
Holloway.	Tennyson.
Hoskins.	Thomas.
Jackson.	Tillery.
James.	Van Zandt.
Johnson	Wagstaff.
of Anderson.	Walker.
Jones of Runnels.	Winningham.
Jones of Shelby.	Young.

Nays—32

Adamson.	Moore.
Baker.	Morse.
Barrett.	Palmer.
Burns.	Patterson.
Dean.	Ramsey.
Engelhard.	Ratliff.
Greathouse.	Ray.
Griffith.	Reed of Dallas.
Hicks.	Renfro.
Hughes.	Riddle.
Hyder.	Rollins.
Kyle of Hays.	Scarborough.
Leonard.	Stanfield.
McCullough.	Turlington.
Metcalfe.	Vaughan.
Moffett.	Wood.

Absent

Anderson	Hartzog.
of Johnson.	Head.
Barron.	Hester.
Beck.	Hill of Brazoria.
Butler.	Huddleston.
Calvert.	Hunt.
Caven.	Jefferson.
Chastain.	Jones of Atascosa.
Coombes.	Kayton.
Daniel.	Laird.
Davidson.	McKee.
Devall.	Morrison.
Dunlap.	Parkhouse.
Dunagan.	Puryear.
Duvall.	Rogers of Hunt.
Dwyer.	Scott.
Golson.	Sullivant.
Goodman.	Townsend.
Graves.	Weinert.
Harman.	Wells.

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

MOTION TO TAKE UP SENATE
BILL NO. 183

Mr. Davidson moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to third reading, Senate Bill No. 183.

The motion was lost.

SENATE BILL NO. 20 ON SECOND
READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 20, A bill to be entitled "An Act fixing the time for making election returns by presiding judges in general and special elections, and amending Article 3123 so as to fix the time for making precinct and county election returns in party primary elections; fixing a penalty for the failure to make such returns within the time prescribed by this Act; and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 20 ON THIRD
READING

Mr. McGregor moved that the constitutional rule, requiring bills to be read on three several days, be sus-

pending, and that Senate bill No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—90

Adamson.	Latham.
Aikin.	Lindsey.
Alexander.	Lotief.
Bourne.	Mackay.
Bradley.	Magee.
Canon.	McClain.
Caven.	McCullough.
Celaya.	Metcalfe.
Chastain.	Moffett.
Clayton.	Moore.
Colson.	Morrison.
Cowley.	Morse.
Crossley.	Nicholson.
Daniel.	Palmer.
Dunlap.	Parkhouse.
Engelhard.	Patterson.
Fain.	Pavlica.
Few.	Puryear.
Ford.	Ramsey.
Fuchs.	Ratliff.
Glass.	Ray.
Golson.	Renfro.
Good.	Riddle.
Goodman.	Roberts.
Greathouse.	Rogers
Griffith.	of Ochiltree.
Hankamer.	Rollins.
Harman.	Ross.
Harris.	Russell.
Head.	Savage.
Hill of Brazoria.	Scarborough.
Hodges.	Shannon.
Holland.	Smith.
Hoskins.	Steward.
Hughes.	Stinson.
Hyder.	Stovall.
Jackson.	Tarwater.
Johnson	Tennyson.
of Anderson.	Thomas.
Jones of Atascosa.	Townsend.
Jones of Runnels.	Turlington.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Walker.
Kyle of Palo Pinto.	Winningham.
Laird.	Young.

Nays—13

Baker.	Munson.
Coombes.	Reed of Bowie.
Dean.	Reed of Dallas.
Haag.	Rogers of Hunt.
Huddleston	Scott.
McKee.	Wood.
Mitcham.	

Present—Not Voting

Holekamp.	Merritt.
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Absent

Alsup.	Harrison.
Anderson	Hartzog.
of Bexar.	Hester.
Anderson	Hicks.
of Johnson.	Holloway.
Barrett.	Hunt.
Barron.	James.
Beck.	Jefferson.
Bedford.	Leonard.
Burns.	Long.
Butler.	McGregor.
Calvert.	Pope.
Cathey.	Stanfield.
Davidson.	Sullivant.
Devall.	Tillery.
Dunagan.	Wagstaff.
Duval.	Weinert.
Dwyer.	Wells.
Graves.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

The Speaker then laid Senate Bill No. 20 before the House on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

MOTION TO TAKE UP SENATE BILL NO. 123

Mr. Moore moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to third reading, Senate Bill No. 123.

The motion was lost.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 26, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate Bill No. 338, and requests the appointment of a conference committee. The following have been appointed on the part of the Senate: Senators Moore, Woodul, Rawlings, Woodward, and Purl.

The Senate has passed

S. B. No. 370, A bill to be entitled "An Act to promote public health, safety, morals, and general welfare

by providing for the construction and supervision of safe and sanitary housing for families of low income, and for the sale or rental thereof on reasonable terms; authorizing the incorporation of limited dividend housing companies, and prescribing the powers, rights, and duties thereof; creating a State Board of Housing for the purpose of encouraging, approving, assisting, supervising, and regulating such activities; prescribing and defining the powers and duties of the Board, including supervisory and regulatory powers over limited dividend housing companies engaged in such activities; authorizing the Board to fix, within certain limits, the rentals or purchase price of housing accommodations furnished by limited dividend housing companies."

The Senate has adopted

S. C. R. No. 81, Relating to the appropriation for publication of constitutional amendments.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 111, to the Committee on Judiciary.

Senate Bill No. 161, to the Committee on Municipal and Private Corporations.

Senate Bill No. 354, to the Committee on Criminal Jurisprudence.

Senate Bill No. 370, to the Committee on State Affairs.

SENATE BILL NO. 295 ON SECOND READING

On motion of Mr. Townsend, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 295, A bill to be entitled "An Act to regulate the sale of insecticides and fungicides, prohibiting their adulteration, misbranding, or misrepresentation, forbidding the use of certain materials, providing for the collection and analysis of sam-

ples, statements of sales and shipments, the expenses of the enforcement of the law, fixing penalties for its violation, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Leonard offered the following committee amendment to the bill:

Amend Senate Bill No. 295 by striking out all below the enacting clause, and substituting therefor the following:

"Section 1. All corporations, firms, associations, or persons manufacturing and/or selling and/or offering for sale any insecticide or fungicide within this State, shall brand or attach to each package a plainly printed statement, showing the brand or name of said insecticide or fungicide, the net weight of the content of the package, the name and address of the corporation, firm, or person registering said insecticide and fungicide, the names and percentage amounts of each inert ingredient, or, in place of the names and percentage amounts of each inert ingredient having insecticidal or fungicidal properties, the total percentage of inert ingredients. In the case of insecticides or fungicides wherein any form of arsenic is embodied as a component part thereof, the corporation, firm, association, or person shall brand or attach to each package a plainly printed statement showing the net weight of the contents of the package, the name and address of the corporation, firm, association, or person registering said insecticide or fungicide, and the minimum percentages guaranteed to be present of total arsenic and of water soluble arsenic if such are present.

"In the case of insecticides or fungicides where any form of mineral oil is embodied as a component part thereof, the corporation, firm, association, or person manufacturing or selling same shall brand or attach to each package a plainly printed statement showing the net weight or liquid measure of the contents of the package, the name and address of the corporation, firm, association, or person registering said insecticide or fungicide, and shall further show the percentum by weight and/or by volume of the amount of mineral oil present, the Saybolt Universal Viscosity at

100 (one hundred) degrees Fahrenheit of said oil, the unsulphonable residue, of said oil, and the per cent of distillation of said oil at five hundred (500) degrees Fahrenheit by A. S. T. M. Engler distillation.

"In the case of insecticides or fungicides wherein information concerning the degree of particle fineness of the solid matter of the material is deemed important by the Commissioner of Agriculture in addition to other requirements of this Section, the Commissioner may require the corporation, firm, association, or person manufacturing insecticides or fungicides to furnish a statement as to the degree of fineness to which the material has been ground or occurs in the material or mixture.

"Sec. 2. The Commissioner of Agriculture of the State of Texas shall administer and enforce the provisions of this Act, and shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act, including the collection and analysis or examination of samples, the registration of manufacturers of, and dealers in, insecticides and fungicides, and other procedures not inconsistent with this Act; and it is further provided that the Commissioner of Agriculture of the State of Texas shall at his discretion make and enter into contracts with State owned or State controlled laboratories for the examination, analysis, and testing of said insecticides and fungicides. Such rules and regulations shall be effective thirty days after the Commissioner of Agriculture has promulgated them and copies of said rules and regulations shall be available at the office of the Texas State Department of Agriculture at Austin, Texas, for those corporations, firms, associations, or persons who have registered or who may register under the terms of this Act and to all other interested parties.

"Sec. 3. All firms, corporations, associations, or persons, before manufacturing, selling, or offering for sale any insecticide or fungicide for use within this State, shall annually file with the Commissioner of Agriculture of the State of Texas a certified statement, giving the information required by Section 1 of this Act. A copy of the label to be attached to each package shall be filed with the Commissioner of Agricul-

ture of the State of Texas on or before delivery to the dealers, agents, or consumers in this State. But such labels shall truly set forth the data required in Section 1 of this Act, and be otherwise in accordance with the provisions of this Act. On receipt of the certified statement above described, the registration fee and the copy of the brand or stamp, and after other requirements of this Act have been complied with, the Commissioner of Agriculture of the State of Texas shall issue a certificate of registration for the insecticide or fungicide, which shall be in force until the succeeding September 1. No brand or name shall be allowed to be registered which is so nearly similar to another as to lead to uncertainty, confusion, or fraud. The Commissioner of Agriculture of the State of Texas shall have power to cancel the registration of any insecticide or fungicide sold contrary to any provision of this Act or to refuse registration or cancel registration of any insecticide or fungicide which is of little or no value for the purpose for which it is intended to be used or is detrimental or seriously injurious to vegetation, to domestic animals, or to the public health when properly used.

"Sec. 4. For the sole purpose of defraying the expenses connected with the inspection of insecticides or fungicides sold, or exposed for sale, in this State, and experiments relative to the value thereof, all firms, corporations, associations, or persons engaged in the manufacture or sale of insecticides or fungicides shall, in place of a tonnage tax, pay to the Commissioner of Agriculture of the State of Texas a registration fee of not more than fifty dollars (\$50) for each registration of insecticide or fungicide, it being the purpose of this Act to set the fee in an amount which will cover the cost of the service, but any insecticide or fungicide registered by the manufacturer or jobber need not be registered by any other person selling said insecticide or fungicide during the period of such registration. The fees received by the Commissioner of Agriculture of the State of Texas, and all penalties collected under this Act, shall be deposited with the Treasurer of the State of Texas, and shall be kept by him in a special fund, and shall be used for the purpose of this Act and

for no other purpose, all disbursements from this fund shall be made by the issuance by the Treasurer of the State of Texas of his warrants upon accounts approved by the Commissioner of Agriculture of the State of Texas.

"Sec. 5. The Commissioner of Agriculture of the State of Texas shall cause one analysis or more to be made annually of such insecticides and fungicides sold, or offered for sale, under the provisions of this Act as may be sampled under his direction. The Commissioner of Agriculture of the State of Texas, in person or by deputy, shall have the power to enter into any car, building, or place, supposed to contain insecticides or fungicides, for the purpose of inspection or sampling, and shall have the power to take a sample for analysis, not exceeding two pounds, from any package or lot of insecticide or fungicide found within the State. All analyses shall be made by the methods of the Association of Official Agricultural Chemists of North America. The Commissioner of Agriculture of the State of Texas shall, if possible, issue at least one bulletin annually, setting forth the analyses of insecticides and fungicides made under the provisions of this Act, the operations of the law, and such other information concerning violations of the law, or operations of this Act, or otherwise as may be considered necessary. Provided, that if any analyses of said insecticides or fungicides come up to guarantee, the statement 'Up to guarantee,' shall be published in connection with the guarantee instead of the exact analysis. The Commissioner of Agriculture of the State of Texas shall also investigate the composition, properties, and agricultural values of insecticides or fungicides, sold or offered for sale within the State of Texas, and shall publish his results as he may find.

"Sec. 6. All manufacturers of insecticides and fungicides registered under the provisions of this Act shall be required to keep a complete record of the names and addresses of the vendees of said insecticides and/or fungicides. Wherever the Commissioner of Agriculture shall find a violation of this Act by misbranding or adulteration, any such person, firm, corporation, or association who has so violated this Act, who has registered insecticides and or fungicides within

the State of Texas, shall, upon request of the Commissioner of Agriculture, mail to the Commissioner of Agriculture within three days of such request a statement showing the name of the insecticide or fungicide, the quantity sold, and the names and addresses of the vendees as required by the Commissioner of Agriculture; and this information shall be used for the purpose of advising said person, or persons, of the character of said insecticide and/or fungicide.

"Sec. 7. Any insecticide or fungicide sold, offered, or exposed for sale within this State in violation of any provision of this Act, shall be liable to seizure at the instance of the Commissioner of Agriculture of the State of Texas. Upon complaint being filed by the Commissioner of Agriculture of the State of Texas, in person or by duly authorized deputy, with any county judge or justice of the peace, describing the insecticide or fungicide, and the place where it is believed that said insecticide or fungicide is sold, offered, or exposed for sale in violation of the law, such county judge or justice of the peace shall issue his warrant directing and commanding the sheriff or any constable of his county to search such place, and if the law is being violated, to seize the insecticide or fungicide, and it shall be the duty of the officer to whom such warrant is delivered to search the place described in the warrant and to seize all insecticide or fungicide found therein which is in violation of law, and if admission into said place is refused, the officer executing said warrant is hereby authorized to force open the same. If it shall appear at the hearing before the county judge or justice of the peace, who issued said writ, that the insecticide or fungicide was being sold, exposed, or offered for sale in violation of this Act, said insecticide or fungicide shall be condemned and delivered to an officer or agent of the Commissioner of Agriculture of the State of Texas, to be destroyed or sold by or under the direction of the Commissioner of Agriculture of the State of Texas, and the net proceeds paid to the Treasurer of the State of Texas for the purpose of enforcing the provisions of this Act. The sale shall be made at the courthouse door in the county in which the seizure is made after thirty days' advertisement in some newspaper published in said county, or if no news-

paper is published, in the nearest county thereto having a newspaper. The Commissioner of Agriculture of the State of Texas, however, may, in his discretion, release the insecticide or fungicide seized or condemned, upon the payment of the required tax or charge, and all cost and expense incurred in any proceeding connected with such seizure and condemnation, and upon compliance with all other requirements of this Act.

"Sec. 8. Every firm, corporation, association, or person who shall sell or offer for sale any insecticide or fungicide without having attached thereto such labels as are required by law, or who shall sell any adulterated or misbranded insecticide or fungicide within the meaning of this Act, or who shall violate any other provision of this Act, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars nor more than two hundred dollars for each offense.

"Sec. 9. The term 'insecticide' as used in this Act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man, poultry, or other animals, or households, or be present in any environment whatsoever. The term 'Paris green' as used in this Act shall include the product sold in commerce as Paris green and chemically known as the aceto-arsenite of copper. The term 'lead arsenate' as used in this Act shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_2AsO_4) by replacing one or more hydrogen atoms by lead. The term 'fungicide' as used in this Act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi or bacteria that may infest vegetation. The term 'insect' shall include worms or other of the lower forms of animal life in addition to the forms of life to which the term insects is technically applied.

"Sec. 10. For the purpose of this Act an article shall be deemed to be adulterated:

"In the case of Paris green: First, if it does not contain at least fifty

per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxide (As_2O_3); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxide (As_2O_3); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; provided, however, that extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

"In the case of insecticides or fungicides, other than Paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold or below the standard of quality established by the Federal laws or by the United States Department of Agriculture; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects, shall be injurious to such vegetation when used.

"Sec. 11. For the purpose of this Act, an article shall be deemed to be misbranded:

"First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if the statements required in Section 1 are not branded or attached to each package; fourth, if any false or misleading

statements are made on the package or in any printed or written matter concerning such insecticide or fungicide.

"Sec. 12. Any person not a dealer in, or agent for, the sale of any insecticide or fungicide, who may purchase any insecticide or fungicide for his own use within this State, and not for sale, may take a sample of same for analysis, under regulations prescribed by the Commissioner of Agriculture of the State of Texas, which analysis shall be made for a fee of \$3, under the direction of the Commissioner of Agriculture of the State of Texas, said fee to be deposited with the Treasurer of the State of Texas and used for administering this law only.

"Sec. 13. This Act shall take effect and be in force from and after September 1, 1933.

"Sec. 14. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity and constitutionality of the remainder of the Act and the applicability of such provisions to other persons and circumstances shall not be affected thereby."

Mr. Leonard offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 295 by adding, after the word "ingredient," in line 6, on page 2, of the printed bill, the word "not."

The amendment was adopted.

Mr. Young offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 295, page 4, line 8, by striking out the figures "\$50," and inserting in lieu thereof the figures "\$10."

Question—Shall the amendment by Mr. Young be adopted?

SENATE BILL NO. 137 ON SECOND READING

On motion of Mr. Reader, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 137, A bill to be entitled "An Act to make the State of Texas a defendant to causes of action affecting real estate, for the purpose of determining priority of lien, etc."

The Speaker laid the bill before the House, and it was read second time.

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

The roll of the House was taken, and the vote announced as follows:

Yeas—14

Caven.	Hughes.
Celaya.	Jones of Shelby.
Few.	Kayton.
Ford.	Ratliff.
Haag.	Renfro.
Holekamp.	Rollins.
Holland.	Stinson.

Nays—79

Adamson.	Lotief.
Aikin.	Magee.
Alsup.	McClain.
Baker.	McCullough.
Bourne.	Mitcham.
Bradley.	Moore.
Burns.	Morse.
Canon.	Munson.
Chastain.	Palmer.
Clayton.	Parkhouse.
Coombes.	Patterson.
Cowley.	Pope.
Crossley.	Puryear.
Dean.	Ramsey.
Dunagan.	Ray.
Fain.	Reed of Bowie.
Fuchs.	Reed of Dallas.
Glass.	Riddle.
Golson.	Roberts.
Good.	Rogers of Hunt.
Goodman.	Rogers
Greathouse.	of Ochiltree.
Griffith.	Russell.
Hankamer.	Scarborough.
Harris.	Scott.
Head.	Shannon.
Hicks.	Smith.
Hodges.	Steward.
Hoskins.	Stovall.
Huddleston.	Tarwater.
Hyder.	Tennyson.
Jackson.	Tillery.
Johnson	Turlington.
of Anderson.	Van Zandt.
Jones of Runnels.	Vaughan.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Laird.	Winningham.
Latham.	Wood.
Lindsey.	Young.
Long.	

Present—Not Voting

Moffett.

Pavlica.

Absent

Alexander.	Hester.
Anderson	Hill of Brazoria.
of Bexar.	Holloway.
Anderson	Hunt.
of Johnson.	James.
Barrett.	Jefferson.
Barron.	Jones of Atascosa.
Beck.	Leonard.
Bedford.	Mackay.
Butler.	McGregor.
Calvert.	McKee.
Cathey.	Merritt.
Colson.	Metcalfe.
Daniel.	Morrison.
Davidson.	Nicholson.
Devall.	Ross.
Dunlap.	Savage.
Duvall.	Stanfield.
Dwyer.	Sullivan.
Engelhard.	Thomas.
Graves.	Townsend.
Harman.	Weinert.
Harrison.	Wells.
Hartzog.	

Absent—Excused

Camp.	Lemens.
Fisher.	Mathis.
Hill of Webb.	McDougald.
Johnson	Reader.
of Dimmit.	Shults.

Mr. Kayton raised the point of order that there was not a quorum present.

The Speaker sustained the point of order.

ADJOURNMENT

On motion of Mr. Parkhouse, the House, at 6 o'clock p. m., adjourned until 9:30 o'clock a. m., Saturday, May 27.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Municipal and Private Corporations: Senate Bill No. 571.

Constitutional Amendments: House Joint Resolutions Nos. 47, 48, 38, and House Concurrent Resolution No. 82.

Penitentiaries: Senate Bill No. 539.

Judicial Districts: Senate Bill No. 568.

Judiciary: Senate Bills Nos. 485 and 513.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 911, "An Act defining and providing the powers and duties of the commissioners court in counties having a population of more than three hundred thousand (300,000) and less than three hundred and fifty thousand (350,000) inhabitants, according to the last preceding Federal Census, with regard to the laying out, opening, widening, draining, grading, constructing, building, repairing, and maintaining of public roads, bridges, viaducts; providing for the appointment of a county engineer, and prescribing his duties; authorizing the commissioners court to employ special counsel; prescribing the manner in which supplies, materials, and contracts may be purchased or made by the county; fixing the compensation of certain officers and employes, and defining their duties; authorizing and providing for the purchase and condemnation of land, materials, and dirt for the construction and maintenance of public highways, and providing for the appraisalment of same; providing for certain duties of the county auditor; abolishing the payment of road taxes by labor, and providing for the use of convicts on public projects; providing for the appointment of a purchasing agent, and prescribing his duties; prohibiting any officer and employe of the county from being interested in any contract involving said county; providing that right of ways belonging to private individuals or corporations shall be ditched, emptied, and drained so as to protect the public highways, and giving the commissioners court such authority in regard thereto; prescribing the manner in which bonds may be issued, the election therefor, and the manner in which same may be paid; prescribing the manner in which bond funds may be expended; providing any moneys collected by virtue of any contracts executed under the provisions of this Act shall be applied to the road and bridge fund of the county; prescribing certain duties of the county treasurer; defining 'road' and 'highway,' as used herein; providing that the provisions

of this Act are cumulative of all other laws other than special laws; declaring this Act to be a public Act; providing that in the event any section, subdivision, paragraph, sentence, or clause of this Act be held unconstitutional, that the remaining portions shall be valid; providing penalties for violating the provisions of this Act; repealing Chapter 57, of the Special Laws of the Thirty-fourth Legislature, and an Act amendatory thereof, being Chapter 63, of the Special Laws of the Thirty-sixth Legislature, and any and all other laws or parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 103, Instructing the Enrolling Clerk of the House to amend the caption of House Bill No. 911,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 218, "An Act authorizing and directing the Commissioner of the General Land Office to ascertain the amount of bonus and rental money due the State of Texas as a result of the execution of oil and gas leases by owners of the soil as agents of the State under the provisions of the Relinquishment Act, and to determine who owes money to the State under the provisions of said Act, and defining said Act; providing that when the debtors and the amount of indebtedness are ascertained, such debts shall be paid in cash, or in event the Commissioner of the General Land Office finds from the affidavit and proof submitted by the debtor that such debtor is unable to pay in cash, such debt may be settled by paying one-twentieth (1/20) thereof in cash and executing an obligation payable to the State for the balance due in

twenty (20) equal annual installments with interest at four per cent (4%) per annum; providing that if an extension of time may not be granted to those unable to pay in cash, that such extensions be granted to all; providing that no lien held by the State shall be released and no liability altered or changed; providing for demand for payment and for settlement within ninety (90) days after demand; providing that no suit shall be brought or maintained to collect money for bonus and rentals under the Relinquishment Act until debtors have had opportunity to comply with the provisions of this Act; providing that all suits for the collection of bonus and rentals must be brought within five (5) years from the effective date of this Act; except suits on obligations given in settlement of bonus and rentals under the provisions of this Act and except suits wherein it is alleged and proved that the affidavit of inability to pay is false or fraudulent; providing that this Act shall not apply to bonus and rentals on lands that have produced or may be producing on the effective date of this Act, oil or gas in commercial quantities, or to indebtedness due the State accruing subsequent to the effective date of this Act, or for debts due for oil or gas, or for debts due for bonus and rentals where the amount has not been paid to the landowners but held in escrow or suspense; providing that the provisions of this Act shall not apply to obligations of lessees against whom suit was pending on May 22, 1933; providing that if any portion of this Act be held unconstitutional, same shall not affect remaining portions, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 771, "An Act providing for the creation of the Texas Canyons State Park; withdrawing certain public school lands in Brewster County, Texas, from sale; transferring and conveying said land to the State of Texas for park purposes; reserving

all minerals to the Public School Fund; valuing said lands and making an appropriation out of the General Revenue for payment of the Permanent School Fund of Texas for consideration of such transfer; providing that said Texas Canyons State Park shall be under supervision and control of said Texas Park Board, and declaring an emergency."

Whereas, The largest canyons on the North American continent (with the exception of the Grand Canyon of the Colorado) are situated in Brewster County, Texas, upon the Rio Grande, and said canyons and the lands and territory contiguous thereto constitute one of the scenic wonders of North America; and

Whereas, The State of Texas, as trustee for the Public School Fund, is the owner of a considerable body of land adjoining and abutting upon said canyons, which land is rough, rugged, and worthless for any purpose except for its scenic beauty and park purposes; and

Whereas, The creation of a State Park adjoining said canyons would result in the opening up to the public of Texas and the United States one of the finest parks in the United States at little expense to the people of Texas, and result in much revenue to the State of Texas from the gasoline tax, and much profit to the people of Texas generally,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 26, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 83, "An Act to provide for the Texas Prison Board, through its General Manager, bidding for contracts to supply the State with printing, binding, and supplies of like character with the Board of Control without a bond, and entering into such contracts with the Board of Control, without executing a bond, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.